Tehama County Flood Control and Water Conservation District

Coordinated AB 3030 Groundwater Management Plan

Prepared for
Tehama County Flood Control & Water Conservation District Board of Directors

by
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November 20, 1996

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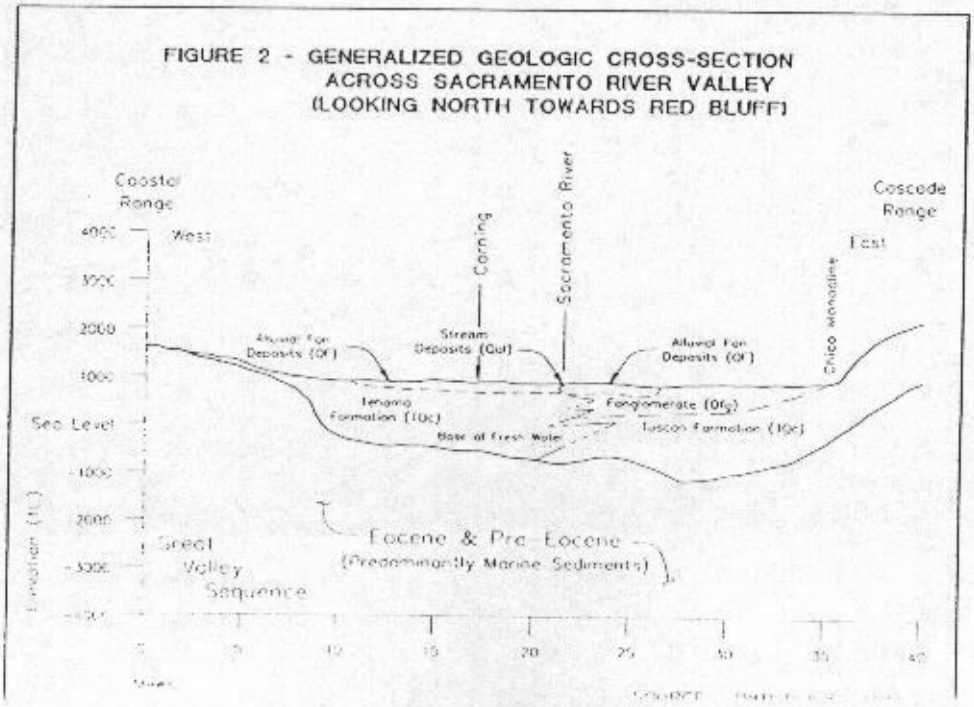

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Introduction

Plan Authorization

Section 101. The Tehama County Flood Control and Water Conservation District (District) is an authorized groundwater management agency within the meaning of Water Code Section 10753 (b). This plan will be undertaken in accordance with the consent of local agencies whose governing bodies will be contacted to enter into an agreement with the District pursuant to Water Code Sections 10750.7 or 10750.8. The District was formally directed to proceed with the preliminary development of a County-wide groundwater management plan by the District Board of Directors at the Regular Meeting of the Board held on April 25, 1995.

Section 102. The District finds and declares that the management of the groundwater within its territory and the plan area designated herein, is in the public interest and will provide for the common benefit of water users within the plan area.

Section 103. The District has considered the potential impact of this plan upon business activities within the plan area and it has determined that the adoption of this plan will provide benefits to municipal, industrial, agricultural and commercial uses which outweigh any economic hardship that may result.

Purpose of the Plan

Section 104. The purposes of this groundwater management plan can be summarized best as follows:

A) The primary purpose of the Plan is to prevent long term overdraft of groundwater within the Plan Area and to balance long-term average annual replenishment with extractions and other losses to

the basin as may be consistent with the public interest of the Plan Area population.

B) Develop a comprehensive groundwater basin management program which protects the groundwater resources of Tehama County in order to provide local users with a reliable long-term water supply.

C) Implement groundwater management plan through the development of County -wide consensus wherever possible.

D) Develop a plan to protect basin groundwater quality.

Disavowal of Purpose

Section 105. It is not the intent of the District Board of Directors that in the adoption of this plan, or in the promulgation of a management program developed pursuant to this plan, that the District intrude upon, diminish, demean or negate in any manner the police power of the County of Tehama or of any incorporated city within the County of Tehama. By adoption of this plan, the District Board specifically and expressly disavows any such purpose.

Rule of Construction and Effect

Section 106. In the event any provision of this plan, or provision contained within any program developed pursuant to this plan, is in conflict with an enactment of the County of Tehama or a city within the County of Tehama (whether such enactment exists at the time of adoption of this plan or is subsequently enacted), which enactment is enabled by the constitutional police power of the County or city respectively, then such provision shall be construed and harmonized with such enactment to the maximum extent possible.

Section 107. Harmonization may be achieved, without limitation, by the devise of excision of the language of the provision which gives rise to the conflict if, following such excision, the provision will have a residual operative effect. If it is deemed impossible to harmonize any provision of this plan, or any provision of a program developed pursuant to this plan, with such enactment of the County or of any city within the County, then such provision shall be deemed to be null and void and of no effect within the jurisdiction of the enacting city or the County of Tehama as the case may be.

Section 108. The District shall implement the Plan in consultation and coordination with all affected public and private water purveyors. The District will cooperate with affected water purveyors to determine the best method to achieve comprehensive groundwater management within the County and within the service areas of each water purveyor. This Plan may become effective within the area of a water purveyor, upon the District's receipt of a written request from the purveyor to the District to adopt the Plan within the purveyor service area or under the terms and conditions of an agreement, contract, memorandum of understanding or other written instrument acceptable to the District and the affected water purveyor. Nothing herein shall be construed as an intention for the District to unilaterally impose this Plan within the service area of an affected water purveyor.

2

Study Area

Description of District

Section 201. As previously noted, the proposed plan will be administered by the Tehama County Flood Control and Water Conservation District. The district was originally established in 1957 by the Tehama County Flood Control and Water Conservation District Act. This Act defined the boundary and territory of the district as follows: "all that territory of the County of Tehama lying within the exterior boundaries thereof."

Section 202. For the purposes of carrying out the goals and objectives established herein, the boundaries of the plan area will include the County of Tehama and the Western Tehama Highlands Area, Eastern Tehama Highlands Area ("areas"), and the Redding Groundwater Basin and Sacramento Valley Groundwater Basin ("basins") to the extent that they lie *within* the jurisdiction of the District, but do not include any land outside Tehama County.

Section 203. A map of the plan area is included herein as Figure 1.

Location

Section 204. Tehama County includes approximately 2976 square miles within the northern portion of the Central Valley of California. The County is bisected by the Sacramento River, and borders Shasta County to the north, Plumas and Butte Counties to the east, Glenn and Butte Counties to the south, and Mendocino and Trinity Counties to the west. The county seat is located in Red Bluff, which is also the largest city in Tehama County.

LOCATION MAP OF THE TEHAMA COUNTY PLAN AREA

TEHAMA COUNTY

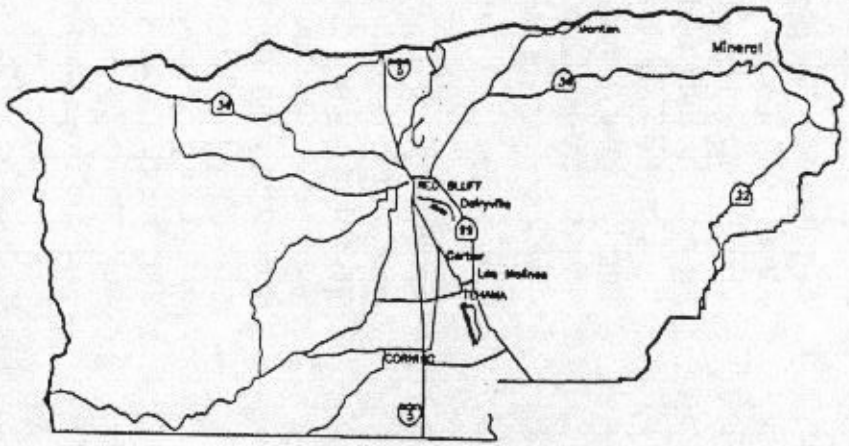

FIGURE 1

Physiography and Geology

Section 205. The physiography of Tehama County is one that has evolved, in large part, due to the erosive and meandering impact of surface stream flow. The County is bounded on the east by the dissected alluvial terraces which form the foothills of the Cascade Range. The low hills and dissected uplands of the Coast Range stretch for the length of the western County border. The interior of the County is characterized by stream channels, floodplains, and natural levees of the Sacramento River and its tributaries. Alluvial fans are also present near the confluence locations of tributaries with the Sacramento River.

Section 206. The geology of Tehama County is complex. Beneath the valley floor, marine sediments form the basement of the study area, which acts as a structural trough. On top of this formation, subsequent deposits of mudflow-transported volcanic materials were laid, as well as stream-borne rock fragments from the surrounding mountains. The accumulation of these deposits within the structural trough resulted in a gradual down warping of the basement formation. Thus, a great depth of this water-bearing material (up to 3000 feet deep) accumulated without greatly impacting the elevation of the valley floor. Please refer to Figure 2 for an idealized depiction of a typical geologic cross-section for Tehama County.

Section 207. The oldest rock unit exposed in the area is the Upper Cretaceous Chico Formation. This unit consists of sandstones, conglomerates and shales which are of marine origin. In terms of viable groundwater reserves, this formation is of no significance.

Section 208. In the eastern portion of the basin, the Chico Formation is overlain by the Pliocene Tuscan Formation. The Tuscan Formation consists of pyroclastic and sedimentary rocks primarily deposited by volcanic mudflows. Along the eastern margin of the valley, the Tuscan Formation is the major water-bearing unit.

Section 209. The Tehama Formation overlies the Chico Formation in the western portion of the basin. These sediments consist of sands, gravels and clays which were deposited by the ancestral Sacramento River and its west-slope tributary streams. While parts of the Tehama Formation appear to be younger than the Tuscan Formation, fingers of the two formations are inter-layered beneath the central valley floor, which indicates that portions of the two formations are equivalent in age.

Section 210. Along the eastern edge of the valley, erosion of the Tuscan Formation has resulted in the deposition of older alluvial fan material directly over the Tuscan Formation. These deposits consist of silty sands and low-clay gravels and are called fanglomerates. They are primarily Pleistocene in age.

Section 211. The Red Bluff Formation rests primarily on the Tehama Formation to the west of the Sacramento River and is approximately the same age as the fanglomerate. This formation consists of coarse gravels, commonly with large boulders in a red sandy clay matrix of low permeability. These materials may have been originally deposited by the debris-laden, turbid streams draining glacial areas (Bulletin 118-6, DWR, 1978).

Section 212. Alluvial deposits of varying age underlie the floodplains along the Sacramento River and its tributaries. For the most part, these flood-deposited materials appear as thin layers of gravel, sand, silt and clay which occur in thicker beds along the channel of the Sacramento River.

FIGURE 2 - GENERALIZED GEOLOGIC CROSS-SECTION ACROSS SACRAMENTO RIVER VALLEY (LOOKING NORTH TOWARDS RED BLUFF)

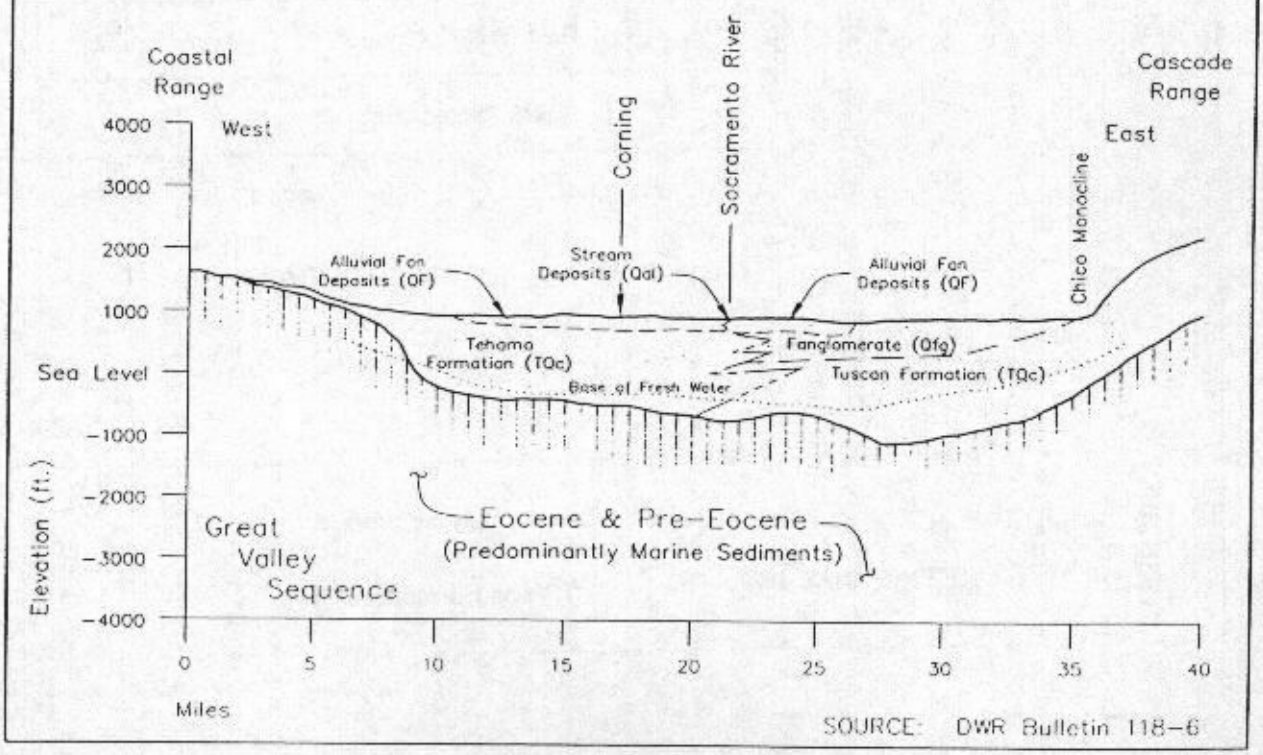

Figure 3 provides a summary of the various stratigraphic units in Tehama County.

Geologic Ages and Nomenclature of Stratigraphic Units within Tehama County

TIME-STRATIGRAPHIC UNITS			ROCK-STRATIGRAPHIC UNITS	AGE (Mya)
ERA	PERIOD	EPOCH		
CENOZOIC	QUATERNARY	RECENT	Stream Channel Deposits	
			Flood Plain Deposits	
			Undifferentiated Alluvium	
			Undifferentiated Older Aluvium	0.01
		PLEISTOCENE	Red Bluff Formation	
			Fanglomerate	1.6
		PLIOCENE	Tehama Formation / Tuscan Formation	
			Contemporaneous Deposition	
				66.4
MESOZOIC	JURASSIC & CRETACEOUS		Great Valley Sequence (Chico Formation)	208

FIGURE 3

Climate

Section 213. Tehama County exhibits a wide range of precipitation and temperature due to the relatively large elevation difference between the valley floor and the highlands in the extreme eastern and western portions of the County (see Figure 5). Using precipitation and temperature data from Red Bluff as those representing typical valley floor climate parameters, it is apparent that valley lands experience hot and dry summers and mild winters.

Section 214. Typical temperatures in the Red Bluff area during January and July are summarized in Table 2-1, below.

Table 2-1.Normal Daily Temperatures
Red Bluff, California 1941-1982

Red Bluff (Month)	Normal Daily Max Temperature (F)	Normal Daily Mean Temperature (F)	Normal Daily Min. Temperature (F)
January	54°	45°	37°
July	98°	82°	67°

Section 215. The major portion of annual precipitation occurs from October through May; very little, if any, rainfall occurs between June and September. Average annual rainfall is approximately 22 inches, with a minimum annual total of 9 inches (1923-24) and a maximum annual total of 45 inches (1940-41). Figure 4 provides a graphic illustration of long-term precipitation patterns for Red Bluff. Figure 5 illustrates the wide variation in annual precipitation levels that exist in Tehama County.

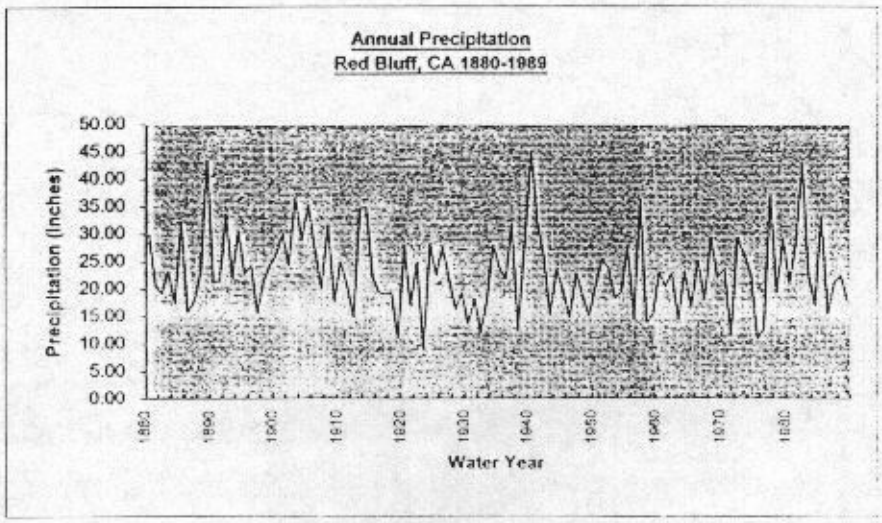

Figure 4

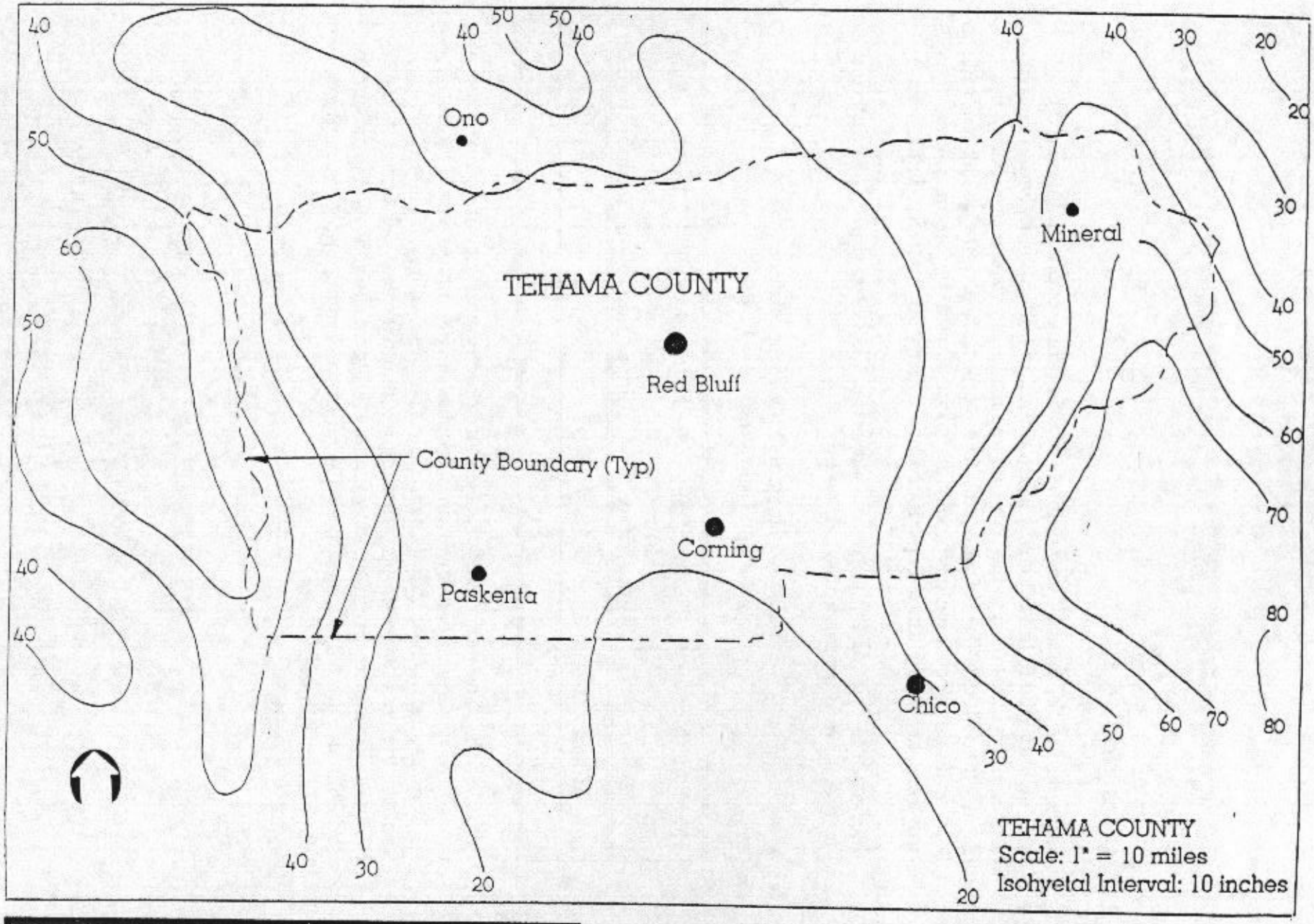

Figure 5. AVERAGE SEASONAL PRECIPITATION TEHAMA COUNTY, CALIFORNIA.

Section 216. Typical Class "A" pan evaporation totals 67 inches annually, of which 77 percent occurs between April and September. In the past 35 years, annual evaporation rates have ranged between 57.5 in/yr and 73.2 in/yr at Gerber. Evaporation is highest during June and July, when over 21 inches typically evaporate over the two month span. It should be noted that pan evaporation is an approximate indication of lake evaporation and does not indicate that the difference between annual evaporation and precipitation is being lost to the groundwater basin.

Population

Section 217. Long term population growth rates in Tehama County have been relatively uniform since World War II. However, population projections for Tehama County made by the California State Department of Finance also depict continued growth, especially in the Red Bluff urban area. Table 2-2 represents the recent and projected population of Tehama County for the years 1900 to 2014.

Table 2-2. Historic and Projected Population
Tehama County, California
1900-2014

Year	Population	Year	Population
1900	11,000	1985	43,750
1940	14,316	1990	46,600
1950	19,276	1994	54,700
1960	25,305	2000	62,000
1970	29,517	2010	74,000
1980	38,900	2014	76,000

Source: California State Department of Finance

There are three incorporated cities in Tehama County - Red Bluff, Corning and Tehama. These communities currently account for approximately 36 percent of the total County population.[1] Key unincorporated communities include Mineral, Los Molinos, Rancho Tehama and Lake California.

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[1]Per "Annual Information and Demographic Data - Tehama County - 1995", State of California Health and Welfare Agency.

Economy

Section 218. The economy of Tehama County is directly tied to the use of water, since the primary economic driving force is agriculture. There are approximately 160,000 acres of prime or near prime soil in Tehama County (source: Water Resources Management in Tehama County - Preliminary Draft). A 1994 DWR study determined that 112,260 acres of farm land were irrigated in Tehama County during 1988. Agricultural use accounts for approximately 90 percent of the total water used in the County. [2]

It is predicted that the employment outlook in Tehama County will improve significantly in the near future. Between 1990 and 1994, employment increased by 15 percent. The establishment of a major retail distribution center in Red Bluff is largely responsible for the addition of several hundred new jobs in the county. Figure 6 provides an indication of job-type distribution in Tehama County.

TEHAMA COUNTY EMPLOYMENT PROFILE

Pie Slice #	Industry	Percent
1	Government	20.9
2	Services	19.8
3	Finance, Insurance, Real Estate	4.1
4	Retail Trade	22.6
5	Wholesale Trade	1.5
6	Manufacturing	16.4
7	Transportation & Public Utilities	2.6
8	Mining & Construction	2.8
9	Agriculture	9.2

Source: State Health & Welfare Agency
March 1992 Benchmark

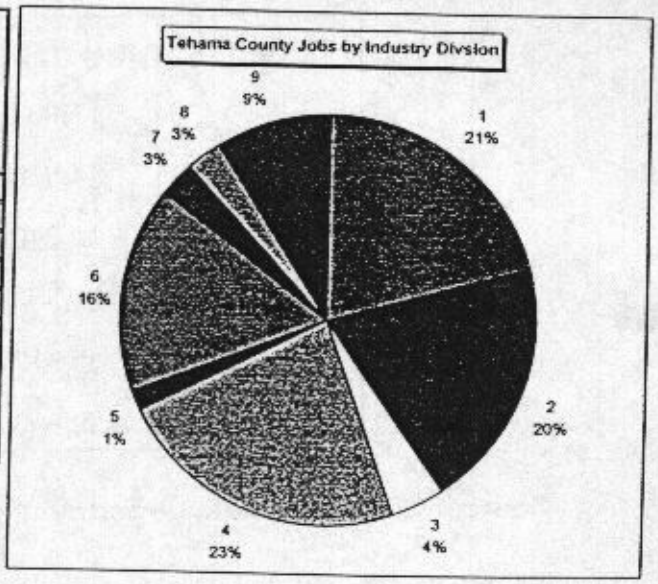

Figure 6

[2] Per Tehama County Master Water Plan Steering Committee report, May 1991.

Local Interest

Section 219. Tehama County Flood Control and Water Conservation District personnel have worked with part-time consultants and the volunteer Tehama County Water Task Force since 1990 toward the development of a County Master Water Plan. While the participants understand that a total water plan must incorporate surface water, groundwater and conjunctive uses, the move toward development of a groundwater plan has received priority because of the high degree of local interest with this issue.

Section 220. Local interest relative to the groundwater issue was catalyzed in 1992, when, in response to the perceived threat of wholesale groundwater export from the county, the Tehama County Board of Supervisors' enacted Urgency Ordinances Nos. 1552 and 1553. The effect of these ordinances essentially prohibits the extraction of groundwater for export without a permit granted by the Board, subject to certain restrictions and limitations. These ordinances were a temporary measure, and contained a sunset clause allowing them to remain in effect until February 28, 1994. Prior to their expiration, Ordinance Nos. 1552 and 1553 were replaced by Ordinance 1617, which simply removed the sunset clause and continued the remaining sections unchanged. Although challenged in the courts, the County's right to make such an ordinance was upheld on appeal.

Section 221. Formation of a Ground Water Management District Study Committee by the Board of Supervisors in April 1992 further focused local interest on groundwater management. This group focused its initial attention on Senate Bill 867 which would establish a Glenn County Groundwater Management District, with a possible amendment addressing a Tehama County Groundwater Management District. However, SB 867 did not materialize, when, later in 1992, Governor Pete Wilson vetoed SB 867 and signed into law AB 3030. This latter legislation allows agencies similar to the Tehama County Flood Control and Water Conservation District to administer groundwater management duties.

Section 221a. In 1993, the Tehama County Water Task Force completed the "Report of the Groundwater Committee", which summarizes groundwater law, discusses area of origin issues, summarizes groundwater management under AB 3030, and explains how the Tehama County Flood Control and Water Conservation District is well-suited to develop and manage an AB 3030 plan. Additional discussion is also provided relative to prior Board actions, recommended future Board action, and other issues.

Section 221b. In early 1994, the Tehama County Board of Supervisors passed

Resolution 15-94, which formally "accepted" the "Report of the Groundwater Committee". However, as stated in the conclusion of the report itself *"The concepts summarized in this section of the report are only intended as a guide for the eventual preparation of a Groundwater Management Plan for Tehama County. In no way do they represent the plan itself."* Resolution 15-94 states that the report *"be considered, among other things, during the course of the District's anticipated deliberations regarding a groundwater management plan."* The non-binding, guidance-oriented nature of these two documents is reflected in the preparation of this plan.

Section 221c. Later in 1994, the Tehama County Flood Control and Water Conservation District hired a full-time professional water resources engineer and retained a qualified attorney specializing in water law to execute the development and implementation of the groundwater management plan.

List of Participants

Section 222. The key participants in a County-wide groundwater management plan are the individual private pumpers which constitute the vast majority of groundwater users in Tehama County. In terms of water consumption, private agricultural pumpers account for some of the largest withdrawals of groundwater in the County (Total agricultural groundwater use in 1988: 201,000 AF. Total agricultural groundwater use by districts: 6,500 AF).

Since an organized groundwater pumpers association has not been formed in Tehama County, it appears that private pumpers in the agricultural sector can best be brought into the County Plan through contact with other organizations, as summarized in Table 2-3.

Section 223. In addition to the above stakeholders, several key civic groups will be contacted for their input as well, as noted in Table 2-4.

Section 224. A key component of a groundwater management plan prepared under Water Code Section 10750 is the coordination recommended between the District and other water-related districts within Tehama County. Table 2-5 is a list of the institutions which will be approached by the District in the development of the groundwater management plan. Figure 7 is a map showing the various water agencies located in Tehama County.

Table 2-3. Tehama County Rural Organizations

Organization	Address	Phone Number
Deer Creek Watershed Conservancy	P.O. Box 307, Vina CA 96092	839-2358
Mill Creek Conservancy	P.O. Box 188 Los Molinos, CA 96055	
Sacramento Valley Landowners Association	P.O. Box 879 Los Molinos, CA 96055	
Shasta-Tehama Bioregional Council	P.O. Box 492036 Redding, CA 96049	
Tehama County Cattlemen's Assoc.	13038 Highway 99E Red Bluff, CA 96080	527-4285
Tehama County Farm Bureau	1130 Metzger Street Red Bluff, CA 96080	527-7882
Tehama County RCD	1350 N. Main Street Red Bluff, CA 96080	527-2667
Vina Resource Conservation District	8331 Marek Road Los Molinos, CA 96055	839-2289
Tehama County Farm Advisors Office	Post Office Box 370 Red Bluff, CA 96080	527-3101
Tehama County Taxpayers Association	24280 Million Road Corning, CA 96021	824-5686

Table 2-4. Tehama County Civic Organizations

Organization	Address	Phone Number
Red Bluff Chamber of Commerce	100 Main Street Red Bluff, CA 96080	527-6220
Los Molinos Chamber of Commerce	7904 Highway 99E Los Molinos, CA 96055	384-2251
Corning Chamber of Commerce	1401 Solano Corning, CA 96021	824-5550
Tehama Local Development Corporation	1790 Airport Boulevard Red Bluff, CA 96080	529-7100

Table 2-5. Tehama County Water Agencies

Water Agency	Address	Phone Number
Anderson Cottonwood Irrigation District	2810 Silver Street Anderson, CA 96007	365-7329
Capay Rancho Water District	Rt. 2 Box 2475 Orland, CA 95963	865-2855
Corning Water District	P.O. Box 738 Corning, CA 96021	824-2914
Deer Creek Irrigation District	P.O. Box 3 Vina, CA 96092	839-2635
El Camino Irrigation District	8451 99W Road Gerber, CA 96035	385-1559
Elder Creek Irrigation District	21430 Gyle Road Corning, CA 96021	385-1381
Gerber-Las Flores CSD	P.O. Box 195 Gerber, CA 96035	385-1904
Golden Meadows Estates CSD	22572 Fisher Rd—Red Bluff, CA	527-3114
Kirkwood Water District	P.O. Box 520 Corning, CA 96021	824-1320
Los Molinos CSD	P.O. Box 9 Los Molinos, CA 96055	384-2638
Los Molinos Mutual Water Company	25162 Josephine Los Molinos, CA 96055	384-2737
Paskenta Community Services District	P.O. Box 182 Paskenta, CA 96074	833-5376
Proberta Water District	21246 Dusty Way Red Bluff, CA 96080	527-4185
Rancho Saucos Water District	P.O. Box 1679 Oroville, CA 95965	533-2885
Rawson Water District (Dissolved 1995)	P.O. Box 2314 Flournoy, CA 96029	824-3348
Reeds Creek Estates Community Services District	418 Pine Street Red Bluff, CA 96080	527-8486
Richfield Irrigation District	13790 Crestview Drive Red Bluff, CA 96080	527-6117
Rio Alto Water District	P.O. Box 5068 Cottonwood, CA 96022	347-3835
Rio Ranch Estates Community Services District	P.O. Box 685 Red Bluff, CA 96080	527-4206
Stanford-Vina Irrigation Company	P.O. Box 248 Vina, CA 96092	839-2144 839-2426 (Fax)
Thomes Creek Water District	P.O. Box 396 Corning, CA 96021	824-3303
City of Corning	794 Third Street Corning, CA 96021	824-7033
City of Red Bluff	P.O Box 400 Red Bluff, CA 96080	527-2605
City of Tehama	250 Cavalier Drive Tehama, CA 96090	384-1501

TEHAMA COUNTY
WATER USE DISTRICTS

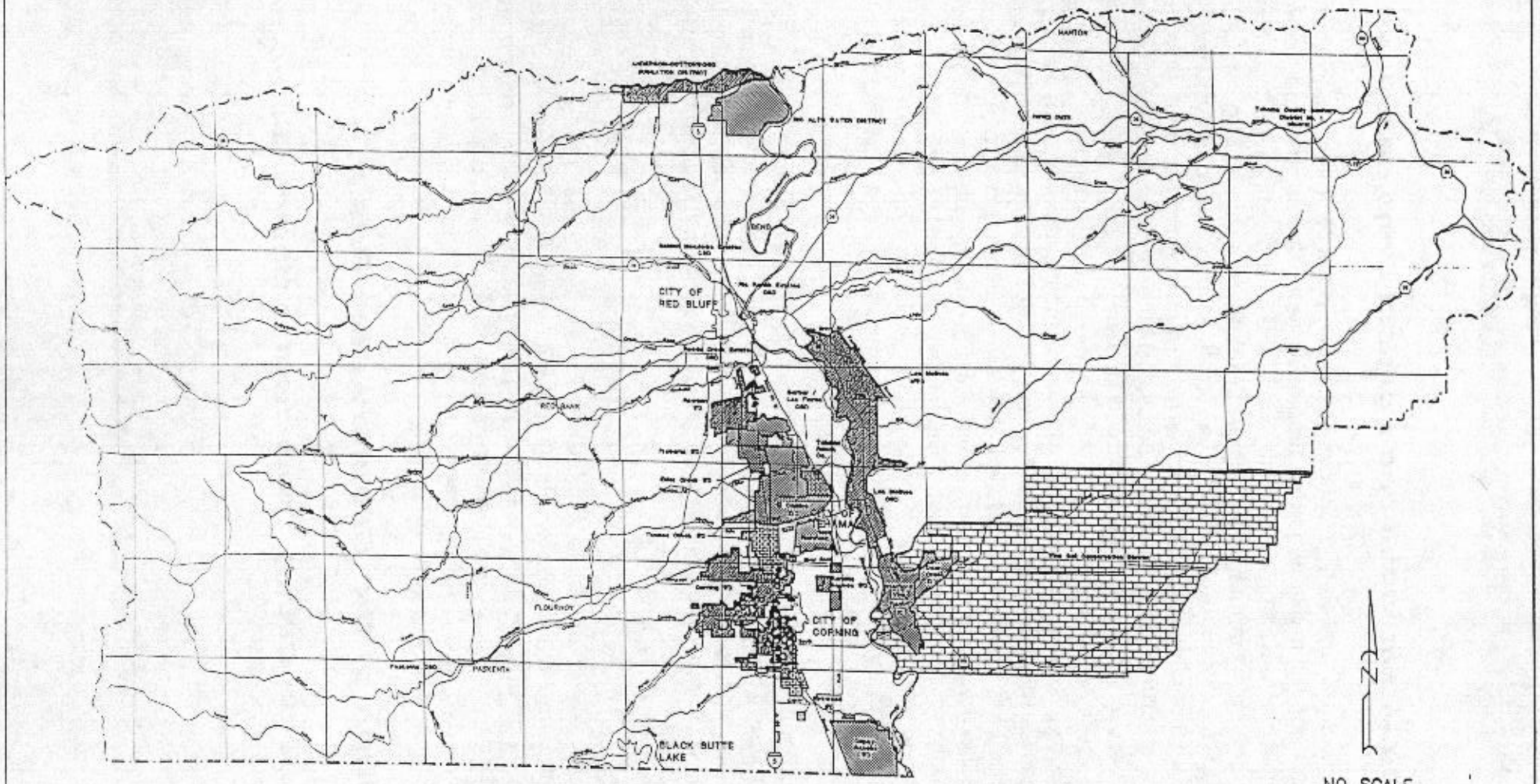

Figure 7

Legal, Financial and Political Considerations

Section 225. In Tehama County, as in other parts of California, water resources management is dictated by a complex system of local, state and federal laws. Water use, development and allocation are controlled by legal contracts and agreements, common law principles, statutes, constitutional provisions and court decisions. These legal considerations, in combination with the jurisdictional powers of the various governing agencies and the private property rights of groundwater users, form the framework which governs water resources management in Tehama County.

Section 226. A more thorough overview of the institutional framework for water resource management in California is provided in Chapter 2 of The California Water Plan Update (DWR Bulletin 160-93). A discussion of the key constitutional requirements, statutes, court decisions and agreements that impact Tehama County water resources management are discussed in "Report of Groundwater Subcommittee to Tehama County Water Task Force", 1993. An excerpt of the section from this report which relates to groundwater law is included herein as Appendix D.

Section 227. The Tehama County Flood Control and Water Conservation District will have to periodically adopt rules and regulations to implement provisions of the groundwater management plan. All rules and regulations shall be reasonable and established in a manner that is consistent with District authority.

Section 228. Pursuant to Water Code section 10754, the Tehama County Flood Control and Water Conservation District may levy fees and collect assessments in order to finance groundwater management expenses, such as administrative and operating costs, acquisition of replenishment water, and basin studies. As stated in section 10754.3, these fees must be authorized by a majority of votes in a County-wide election.

Condition of the Groundwater Basin

Tehama County Groundwater Basins, Sub-basins and Areas

Section 229. The California Department of Water Resources has mapped the groundwater basin and area boundaries throughout California. As shown in

preliminary DWR mapping[3], the central portion of Tehama County is underlain by the Sacramento Valley Groundwater Basin. DWR has further sub-divided the overall basin into smaller groundwater sub-basins, several of which are contained within County limits. The northern portion of the County is underlain by the Redding Groundwater Basin, of which three sub-basins fall within the limits of the county borders.

Section 230. The boundaries of the Sacramento Valley and Redding Groundwater Basins roughly approximate the eastern and western edges of the valley floor. The foothill areas which constitute the eastern and western portions of Tehama County are designated as "Highland" areas which are noted for their relative lack of groundwater resources.

Section 231. Figure 8 shows the various groundwater sub-basins and highland areas of Tehama County. These areas are discussed in further detail below.

REDDING GROUNDWATER BASIN

Section 232. The Rosewood Sub-basin underlies the northwestern corner of the Redding Groundwater Basin within Tehama County. This sub-basin is situated between the middle fork of Cottonwood Creek and the South Fork of Cottonwood Creek, each stream of which acts as a hydraulic boundary for the unconfined aquifer in the sub-basin. The pre-Tertiary rocks which form the western boundary of this sub-basin are assumed to behave as a no-flow boundary.

Section 233. The Bowman Sub-basin is directly south of the Rosewood Sub-basin and is bounded on the north by the South Fork of Cottonwood Creek, on the east by the Sacramento River, on the south by the Red Bluff Arch (a possible geologic no-flow boundary) and on the west by the pre-Tertiary rocks (assumed no-flow boundary).

Section 241. The South Battle Creek Sub-basin is bounded on the north by Battle Creek, on the east by a chain of cinder cones and associated faults, on the south by the Red Bluff Arch and on the west by the Sacramento River.

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[3] To be finalized in DWR Bulletin 118, June 1996 release. (Personal communication with DWR, North Section, September 21, 1995).

TEHAMA COUNTY GENERALIZED GROUND WATER BASINS, SUBBASINS AND AREAS

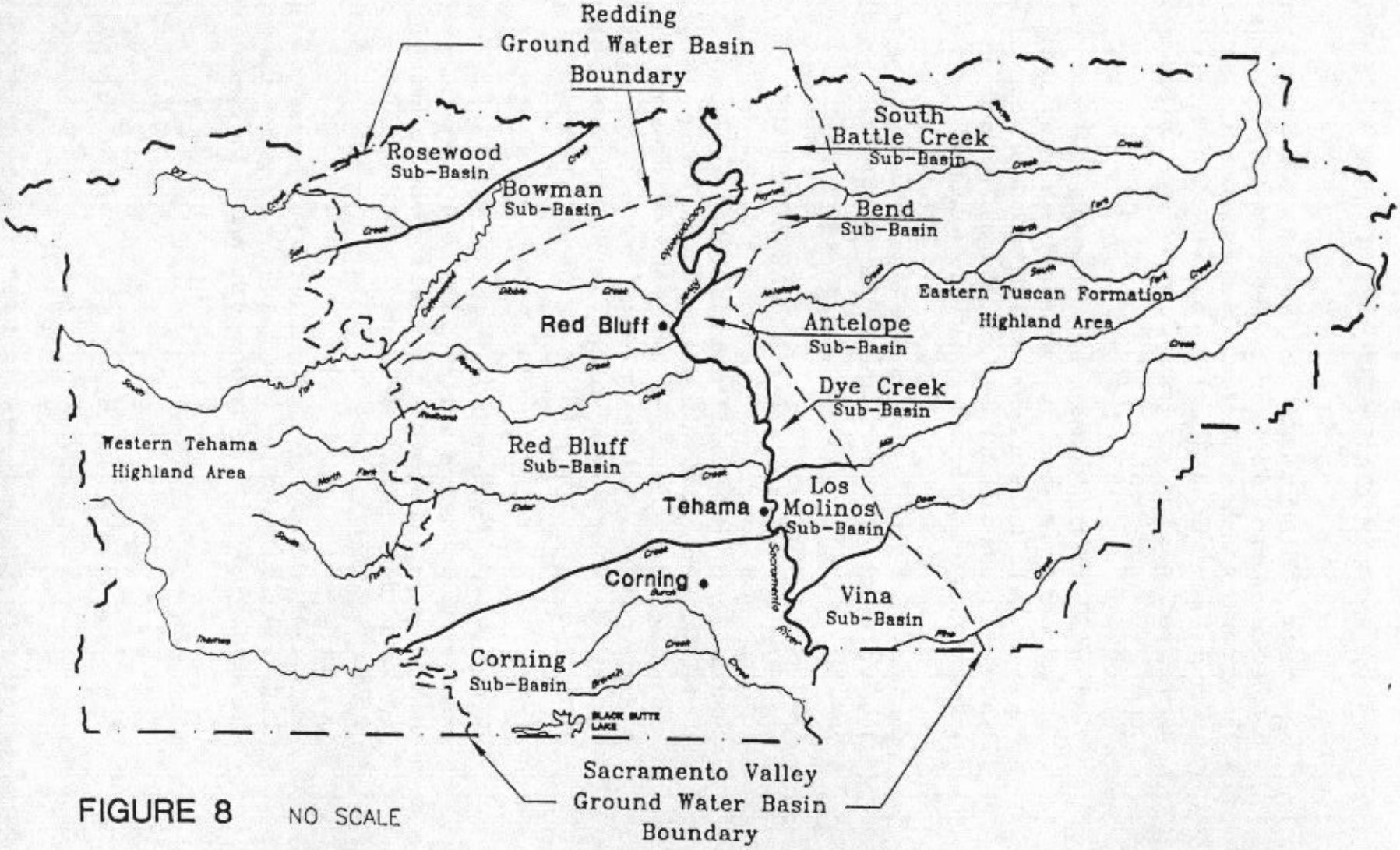

FIGURE 8 NO SCALE

SACRAMENTO RIVER GROUNDWATER BASIN

Section 234. South of the Bowman Sub-basin is the Red Bluff Sub-basin. It is bounded on the north by the Red Bluff Arch, on the east by the Sacramento River, on the south by Thomes Creek (a groundwater recharge area) and on the west by pre-Tertiary rocks.

Section 235. The Corning Sub-basin is in the southwestern portion of Tehama County. It is bounded on the north by Thomes Creek and on the south by Stony Creek (both groundwater recharge boundaries), on the east by the Sacramento River and on the west by pre-Tertiary rocks. Preliminary data suggests that groundwater flow in this area is southeasterly from Thomes Creek and northeasterly from Stony Creek towards the Sacramento River. Thus, the direction of groundwater flow roughly parallels the boundary line shared with Glenn County, which suggests that subsurface flow across the County line may be minimal.

Section 236. The Vina Sub-basin is bounded on the north by Deer Creek (a groundwater recharge boundary), on the south by the Big Chico Creek/Little Chico Creek system, on the east by the Chico Monocline (a geologic structure), and on the west by the Sacramento River. Groundwater flow is westerly toward the Sacramento River. Again, the direction of groundwater flow roughly parallels the boundary line shared with Butte County, which suggests that subsurface flow across the County line may be minimal.

Section 237. The Los Molinos Sub-basin is bounded on the north by Mill Creek and on the south by Deer Creek (both groundwater recharge boundaries) , on the east by the Chico Monocline, and on the west by the Sacramento River. Groundwater flow is westerly from Mill and Deer Creeks toward the Sacramento River.

Section 238. The Dye Creek Sub-basin is bounded on the north by Antelope Creek, on the south by Mill Creek, on the east by the Chico Monocline, and on the west by the Sacramento River.

Section 239. The Antelope Sub-basin is bounded on the north by the low permeability mudflow deposits of the Tuscan Formation, on the south and west by the Sacramento River, and on the east by Antelope Creek. Groundwater flow moves in a southwesterly direction towards the river.

Section 240. The Bend Sub-basin is bounded on the north by the Red Bluff Arch, on the east and south by a chain of cinder cones and associated faults, and on the west by the Sacramento River. The boundary between the Bend and the Antelope sub-basins is not well-defined and is based on differences in

topographic relief. Further study is needed to define this boundary.

Section 242. The WESTERN TEHAMA HIGHLANDS AREA is the portion of Tehama County that is west of the Sacramento Valley Groundwater Basin. This area is underlain by pre-Tertiary rocks and contains very little groundwater. Any groundwater that does occur here is found in fractures at a relatively shallow depth. It should be noted that the term "Western Tehama Highlands Area" is a staff designation only; Bulletin 118 does not formally name this area.

Section 243. The EASTERN TUSCAN FORMATION HIGHLANDS AREA is bounded by the Tehama County line on the north, east and south. The western boundary is the Chico Monocline. The area is mostly underlain by volcanic rock, which yields water at shallow depths in fractured zones. Most of the area can yield only small domestic supplies, although limited municipal or irrigation supplies are possible in some areas.

Section 244 . It must be noted that all sub-basin boundaries should be considered to be approximate. Key surface stream tributaries are generally assumed to behave as sub-basin boundaries, which may hold true for unconfined groundwater linked to these tributaries. However, for confined aquifers, these boundaries may fluctuate. Boundaries related to geologic structure and topographic high areas must also be considered as preliminary in nature.

Section 245. The "areas" noted above are not considered to be "groundwater basins". However, these areas do contain ground water in useable quantities. The ground water occurs in the fractures or joints that constitute the secondary porosity of the rock (granitic, metamorphic, and some sedimentary rocks), in the interstices that constitute the primary porosity of sedimentary rocks, or in the primary porosity of small deposits of stream material, terraces, colluvium, or alluvium.[4]

Existing Monitoring

Section 251. Since the late 1920's, the State Department of Water Resources and the United States Bureau of Reclamation have measured groundwater levels for 138 wells in Tehama County. Currently, 74 wells are monitored semiannually and 8 wells are measured on a monthly basis. The monitoring program currently focuses only on those wells located within the Sacramento Valley ground water basin.

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[4]Definition of "Area" per DWR "Ground Water Definitions Subcommittee", April 25, 1995.

Section 252. The Department of Water Resources issues periodic reports which relate to the monitoring program in Tehama County. These reports include groundwater hydrographs for the monitored wells. The most recent report - "Ground Water Levels in the Sacramento Valley Groundwater Basin, Tehama County" - was released by DWR in late 1993.

Section 253. Most wells in the monitoring program are measured by DWR semiannually, usually in March and October. This provides an indication of groundwater levels before and after the irrigation season.

Section 254. In addition to recording water levels, the DWR report also includes, for each well, information on the producing aquifer(s), degree of certainty associated with the ground water body classification, the hydrogeologic unit, and the applied use of the groundwater.

Section 255. In 1976, USGS monitored 222 wells along the Tehama-Colusa Canal for water quality. Approximately 50 USGS wells were monitored in Tehama County through the course of two studies undertaken between 1976-78. USGS also monitored water levels in the Redding Basin as part of two studies undertaken in 1983 and 1985. This latter study assessed the relationship between Cottonwood Creek surface water and local groundwater. USGS has records which show that over two hundred wells were monitored for water levels throughout the County periodically since 1939.

Historic Variations in Groundwater Levels

Section 260. Groundwater levels fluctuate on an annual basis as a reaction to extraction operations, infiltration and downward percolation from precipitation, surface water sources and irrigation, and subsurface inflows and outflows. In Tehama County, groundwater levels show a significant seasonal variation due to high irrigation use during summer months.

Section 261. Monthly measurements of groundwater show that spring water levels start dropping when irrigation begins (usually April) and continue to decline until about mid-July. Later in the summer, starting in late August to early September, levels begin to rise steadily. Maximum levels are usually reached by February.

Section 262. As noted in the 1993 DWR report, ground water level declines in some County wells are associated with the 1976-77 and 1987-92 drought periods. The wet period of the early 1980's brought ground water levels back up to pre-drought levels. Further, most of the ground water levels also recovered from the 1987-1992 drought during the wet winter and spring of 1992 93.

Section 263. The greatest seasonal fluctuation noted in the DWR monitoring system occurs west of the Sacramento River near Corning, Gerber and Tehama. In some of these areas, spring and fall water levels differ by as much as 30 feet. These locations of heightened fluctuation are also situated in areas where groundwater pumping predominates.

Section 264. Spring and fall groundwater levels fluctuate more moderately towards Red Bluff in the north and the Glenn County line in the south, where seasonal levels rise and fall approximately 10 feet annually.

Section 265. Wells in the Corning area show a general decline in ground water levels before 1965 due to increased ground water pumping for agricultural use. The introduction of Central Valley Project surface water via the Tehama - Colusa Canal and the Corning Canal marked the beginning of a general upward trend in ground water levels which peaked in the mid 1980's.

Section 266. Wells near the Western Antelope Area in Red Bluff show about a 10-foot rise in overall water level after the construction of the Red Bluff Diversion Dam in 1966.

Section 267. In several local wells, ground water levels have not changed throughout the period of record.

Historic Groundwater Pumpage

Section 270. In the earlier parts of this century, Tehama County used little groundwater. The Sacramento River and its primary tributaries provided the source for most irrigation water used in the County. Many parts of the County have reported artesian wells in past years.

Section 271. Groundwater use was small but significant during the 1950's. Twenty years later, approximately 1/3 of all irrigation water came from groundwater and 2/3 came from surface water sources. By 1990, this ratio was reversed. Further, all water supplies for municipal, domestic and industrial uses are supported by extracted groundwater. While the overall water supply has remained fairly stable, more users are turning to groundwater because of its perceived dependability.

Section 272. The increase in groundwater use can be attributed to the following:

1. A need exists for a more reliable source of water.

2. Surface supplies, particularly those derived from the Central Valley Project, have diminished due to increased urban and environmental uses in other parts of the state.

3. Additional surface water supplies do not appear to be forthcoming in the near future.

With additional water needed to satisfy growing urban and environmental concerns, groundwater use can be expected to continue to increase in the future.

Known Groundwater Quality Problems

Section 280. For the most part, Tehama County groundwater is of excellent quality. Certain areas of the County have experienced water quality problems, however.

Section 282. Most notable of these areas is the Antelope vicinity east of Red Bluff, which has a demonstrated history of high nitrate levels. The wells producing water containing the highest nitrate concentrations are located in residential areas or adjacent to domestic sewage disposal systems that serve a number of people.

Section 284. Higher than normal boron levels have also been detected in wells located on the east side of the County. Salinity present in wells near Salt Creek is most likely derived from Tuscan Springs, which is a source of high boron and sulfates. Underlying Cretaceous marine sediments are exposed in higher areas of the watershed, which may also contribute to the boron and other dissolved solids that have impaired groundwater in this area.

Section 286. Most County groundwater also contains carbonate/bicarbonate at "nuisance" levels which leaves a white precipitate as it dries.

Section 287. Volatile organic compounds (VOC's) are carbon based substances that evaporate readily at normal temperatures and pressures. In a 1994 DWR groundwater quality investigation, three wells located north and west of Corning had waters with VOC (1,2-dichloroethane) concentrations which

exceeded the Maximum Contaminant Levels set by the Environmental Protection Agency. Most VOC contamination is traceable to leaking underground fuel storage vessels, landfills, and agricultural practices.

Section 288. During the late 1980's, eighteen percent of domestic wells tested in Proberta, and twenty percent of domestic wells in Las Flores exhibited bacterial contamination. The combination of poorly draining surface clays overlying highly permeable gravels has led to wastewater discharge from onsite domestic septic drain fields into the shallow aquifer. The recent installation of a public sewer system in this area will reduce the magnitude of this water quality problem.

Section 289. Other areas within the County which have generated interest relative to underlying groundwater quality include the County Sanitation District in Mineral, the County Sanitary Landfill west of Red Bluff, Los Molinos and Tehama area domestic wastewater impacts, and Rancho Tehama.

Need for Groundwater Management Plan

Section 290. Agriculture, a driving force in the local economy, is turning more to groundwater each year because of dwindling surface water supplies and the relatively reliable nature of groundwater for satisfying irrigation demands.

Section 292. Throughout the valley floor areas of Tehama County, private, municipal and industrial demands are almost exclusively supplied by groundwater sources. Further, mandated allocations of surface water for in-stream environmental purposes makes the guaranteed delivery of surface water an increasingly tenuous proposition.

Section 294. There is not an infinite supply of groundwater in Tehama County. Recent studies imply that the County does not appear to be in a state of groundwater overdraft[5]. However, at this time there is no certainty as to how close the County is to overdraft. Additional study of the basin characteristics is

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[5] *"Water Resources in Tehama County"*, Preliminary Draft, 1990, Tehama County Flood Control and Water Conservation District Citizen's Task Force.

"Evaluation of Ground Water Resources: Sacramento Valley", Bulletin 118-6, 1978, California DWR. Table 7 - "Groundwater Inventory by Township Area".

"Groundwater Levels in the Sacramento Valley Ground Water Basin, Tehama County", State Department of Water Resources, Northern District, September 1993.

needed to better understand and evaluate the occurrence, movement, origin and destination of groundwater in Tehama County.

Section 296. The proposed plan, in conjunction with the export ordinance powers of the Tehama County Board of Supervisors, will provide a mechanism for the County to evaluate, manage, protect and preserve this valuable local resource.

3

Elements of the Groundwater Management Plan

Implementation of the Plan

Background and Authority of AB 3030

Section 300. On January 1, 1993, California Assembly Bill 3030 - the Groundwater Management Act - was codified into California law. California Water Code sections 10750 *et seq.* allows local water agencies to adopt local groundwater management plans .

Section 302. Development of a groundwater management plan under Water Code sections 10750 *et seq.* allows local agencies to efficiently manage and maximize groundwater supplies, assure long term water supplies, and distribute costs, benefits and water sharing in an equitable manner.

Section 304. The California Department of Water Resources defines a "groundwater management plan" as "planned use of the groundwater basin yield, storage space, transmission capability and water in storage".

Section 306. Water Code section 10750 *et seq.* defines "groundwater management program" as "a coordinated and ongoing activity undertaken for the benefit of a groundwater basin pursuant to a groundwater management plan as specified in AB 3030".

Background and Authority of Tehama County Flood Control & Water Conservation District Act

Section 307. In 1957, the Tehama County Flood Control and Water Conservation District Act was signed into law. This act is now included in the California Water Code as Appendix Chapter 82.

Section 308. Table 3-1, below, summarizes the key powers granted to the District, particularly as they relate to groundwater resources management.

Table 3-1
Groundwater Management Authority Vested in the TCFCWCD Act of 1957

AUTHORITY
To incur indebtedness and to issue bonds. To cause assessments to be levied and collected for the purpose of paying any district obligations.
To establish and fix the boundaries of zones within the district.
To construct, purchase, lease or otherwise acquire works, and surface water and water rights, useful or necessary to make use of water for any of the purposes authorized by this act.
To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of lands or inhabitants within the district.
To conserve flood and storm waters by storage in surface reservoirs.
To divert and transport flood waters for beneficial uses within the District.
To release flood waters from surface reservoirs to replenish and augment groundwater aquifers.
To reduce the waste of water and to protect life and property from floods within the District.
To commence, maintain, intervene in, defend or compromise, in the name of the District, on behalf of the landowners therein, or otherwise to assume the cost and expenses of any action or proceedings involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of the common benefit of any land situated therein, or involving the wasteful use of water therein.
To prevent interference with or diminution of, or to declare the rights in natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or to its inhabitants.
To prevent unlawful exportation of water from District.
To prevent contamination, pollution, or otherwise rendering unfit for beneficial use, the surface or subsurface water used or useful in said district. To commence, maintain, and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants.
To acquire by negotiation the right to store water in any reservoirs or to carry water through any canal, ditch or conduit not owned by the district.
To enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, or firm or individual or any water right or water pumped, stored, appropriated, or otherwise acquired or secured, for the use of the District, or the purpose of exchanging the same for other water, water right, or water supply in exchange for water, water right or water supply to be delivered to the district by the other party pursuant to an agreement.

Section 309. The proposed elements of this Plan are authorized by California Water Code sections 10750 et. seq. (AB 3030) or California Water Code Appendix Chapter 82 (Tehama County Flood Control and Water Conservation District Act) or both.

Procedure

Section 310. A groundwater management plan developed pursuant to Water Code section 10750 *et seq.* must be conducted according to the following schedule:

Table 3-2
Procedures to Implement
Groundwater Management Plan

STEP NUMBER	TASK
1	Publish notice of public hearing.
2	Conduct a hearing on whether to adopt a groundwater management plan
3	Adopt a resolution of intention to adopt a groundwater management plan.
4	Publish notice.
5	Prepare a groundwater management plan within 2 years. If not, return to Step 1.
6	Hold a second hearing after plan preparation is complete.
7	Consider protests.
8	If protests for > 50% of assessed value of property in the county occurs, the plan shall not be adopted. Wait 1 year, and return to Step 1.
9	If protests < 50% of assessed value of property in the county occurs, groundwater management plan may be adopted within 35 days after Step 6.

Section 312. Since a primary purpose of this plan is to gain County-wide consensus, the District has attempted to maximize community input relative to this draft document before the Resolution of Intention is issued by the Tehama County Flood Control and Water Conservation District Board of Directors.

Section 313. For the purpose of adopting and implementing a coordinated groundwater management program, the District will work towards entering into either a) joint powers agreements with public agencies, or b) a memorandum of understanding (MOU) with public entities or private parties providing water service. These entities and parties are listed in Table 2-5.

Section 314. It is anticipated that the two - year "development period" for the plan will be devoted primarily to establishing legal agreements between the District and the various public and private water entities in Tehama County.

Management Involvement Levels

Section 320. Upon adoption of this plan, the Tehama County Flood Control and Water Conservation District may proceed to implement the activities described under "Phase I" of this report.

Section 324. The various degrees of District involvement range from "Passive" (Phase I), to "Limited" (Phase II) and lastly, "Active" (Phase III). The District will attempt to limit management involvement to those levels which are the least intrusive to local landowners. That is, District management will emphasize monitoring and basin evaluation over active management methods.

Trigger Levels to Define Management Involvement

Section 325. A primary task listed under Phase I is the development of a Technical Advisory Committee (TAC). One of the most important activities to be conducted by this group will be to assist the District in the establishment of "trigger levels" which will be used to determine the degree of District involvement in groundwater management activities.

Section 326. Water levels may fluctuate considerably in response to pumping, recharge and climatic cycles. The District shall develop criteria and actions which will establish the Groundwater Management Involvement Level for each County sub-basin. The local agencies who will administer the coordinated AB 3030 plan will customize the Groundwater Management Level criteria and actions developed for their respective subbasin for application within their respective agency boundaries. These Levels will increase (ie "more active" management role by District or local agency) as sub-basin groundwater supplies diminish.

Section 327. Trigger levels may be defined by assigning an "allowable" annual water level decline for a specified number of sub-basin wells. Depending on sub-basin hydrologic and geologic conditions, (to be further refined as aquifer characteristics are better understood), if a certain number of wells were to experience a specified decline in well water levels, the next phase of management level would be activated. The specifications may be further defined to indicate the time of year that the trigger level criteria will be reviewed.

Section 328. Trigger mechanisms will be activated based on a pre-determined schedule and/or fulfillment of basin storage capacity thresholds. For example, if sub-basin conditions indicate a heightened threat of overdraft, then an increased level of management would be activated for that sub-basin.

Section 329. As previously noted, the initial plan will be limited to those activities listed under Phase I, "Passive" management. With additional basin data in hand, the TAC will assist the District in defining trigger levels for District sub-basins. Should basin quantity and /or quality conditions deteriorate in the future, the trigger levels would allow District management involvement to increase.

Plan Administration

Section 330. The Tehama County Flood Control and Water Conservation District will administer the AB 3030 Coordinated Groundwater Management Plan county-wide. As further discussed in Section 355, successful implementation of the AB 3030 Groundwater Management Plan must allow proper interfacing between existing agencies in the County which are empowered with groundwater-related duties. Cooperation with these agencies is essential to a coordinated plan.

Section 332. The primary preference of the District will be to include the service areas of all local water purveyors within the boundaries of the Plan. However, any local agency, investor-owned utilities or mutual water companies which object to the enforcement of the plan within their service areas may be exempted from the plan.

Section 334. If local agencies within the boundaries of the County are not willing to provide the District with the authority to manage the basin within their agency boundaries under Water Code section 10753 (b), these agencies shall be encouraged to adopt their own groundwater management plan and coordinate with the District under Water Code section 10755.2.

Section 336. Administration of the groundwater management plan will be

accomplished by District staff and will receive oversight from the Tehama County Flood Control and Water Conservation District Board of Directors. The interim Management Plan Advisory Group (see Appendix C) and a permanent Technical Advisory Committee (see Section 400) shall act as an advisory body to District administrative efforts via the Director of Water Resources or his authorized agent.

Phase I - Passive Management

Section 340. The initial management level to be assumed by the Tehama County Flood Control and Water Conservation District shall be defined as Phase I, or "Passive Management". These operations will consist of non-intervening activities such as water level and water quality monitoring, coordination with government agencies, development of data inventory, data evaluation, development of a technical advisory group, issuance of annual reports, and promotion of public education and involvement with groundwater issues.

Section 342. Upon completion of the first year, and each subsequent year of implementation of the plan, the District shall evaluate the results of its efforts and determine the most effective method to continue with its implementation. The District shall provide at least one public hearing per year before the Tehama County Flood Control and Water Conservation District Board of Directors to receive input from local groundwater users relative to evaluation of future implementation of the plan. Any amendments to the adopted plan shall be in the form of a Board - approved resolution that is published and posted in accordance with standard practices and, if necessary, obtain voter authorization.

Data Inventory and Evaluation Strategy - Studies & Investigations

Section 345. To ensure that its actions are taken in accordance with the public interest, and to further prevent the use of unnecessary and potentially burdensome management techniques, the District will collect data, and conduct or receive necessary and relevant studies for the purpose of protecting and / or enhancing the quality and quantity of groundwater within the county.

Section 346. The District shall collect and conduct technical investigations to carry out this plan. All data collection and technical investigations authorized under this plan shall be carried out by the District or under its direct supervision.

A. Determination of Basin Boundaries and Safe Yield: The District shall prepare a report to be completed and approved by the District within two years from the adoption of this plan. The determination shall estimate the safe annual yield of the total basin and the probable boundaries of the sub-basin hydrologic units. The determination shall be amended from time to time as the District may deem necessary to incorporate new or more complete information.

Section 348. The District shall annually prepare a report on the status of the basin. The report shall include an estimate of annual water supply replenished and lost to the basin in the preceding reporting year. The report shall include any other information which the District deems relevant and necessary to the effective management of groundwater within the plan area, including change in water levels and the amount of available water supplies which are held in storage.

A. Collection and Analysis of Data/Preparation of an Annual Report on Hydrologic Conditions: Data related to the hydrology inventory of the Basin will be collected and reviewed annually as a component of an annual report to be approved by the District. Principal factors to be considered will include surface water imported to the Basin, recharge to the Basin from infiltration of rainfall and stream flow seepage, evapotranspiration, discharge from the Basin as surface and subsurface flow, and the extractions from the Basin by private and public wells.

B. Preference for Utilization of Existing Data Bases. To avoid incurring unnecessary costs, the District shall determine the status of existing studies and monitoring programs carried out within the Basin by federal, state and local agencies. Where possible, existing data collection programs should be incorporated into the report.

C. Expansion of Data Collection Efforts. Where significant and important data are missing or incomplete, the District will make recommendations on methods to acquire a more complete data base.

Section 349. Data related to the hydrology inventory of the basin will be collected and reviewed annually as a component of an annual report to be approved by the District. Principal factors to be considered will include estimates of the following:

1. Surface water imported to the County.

2. Recharge to the Basin from infiltration of rainfall , stream flow infiltration,

and irrigation percolation.

3. Evapotranspiration.

4. Discharge from the Basin as surface and / or subsurface flow.

5. Estimated extractions from the Basin by private and public wells.

Section 350. To avoid incurring unnecessary costs, the District shall determine the status of existing studies and monitoring programs carried out within the Basin by federal, state and local agencies. Where possible, existing data collection programs should be incorporated into the annual report. In addition to the technical issues listed in Section 349, the District shall also review the Plan and Plan administration performance on an annual basis.

Section 351. Where significant and important data is missing or incomplete, the District will make recommendations on methods to acquire a more complete data base.

Section 352. The District may prepare, or receive reports on groundwater and supplemental water supplies and conditions within the plan area. The District may identify information useful to a water replenishment or conjunctive use project and prepare reports on the utility of these types of projects within the plan area.

Section 353. The District may prepare or receive reports on groundwater quality within the County . The District may identify additional plans, programs or projects for the protection of water quality.

Strategy to Coordinate with Other Governmental Agencies and/or Other Regulatory Mechanisms

Section 355. The Tehama County Flood Control and Water Conservation District shall strive at all times to coordinate with other agencies or regulatory mechanisms with jurisdiction relative to groundwater concerns in Tehama County.

Section 356. The District will develop communications with the Tehama County Planning Department, County Environmental Health Department and County Building and Safety Department to coordinate land use decisions and water supply. The District will also strive to develop working relationships with cities and water districts in Tehama County, other counties, and nearby public water agencies relative to land use and water supply decisions.

Section 357. The District will coordinate with the State Water Quality Control Board, Environmental Protection Agency, County Department of Environmental Health, and the State Office of Drinking Water to monitor compliance of groundwater quality with applicable standards.

Section 358. Improperly constructed and abandoned wells can impair yields and increase the potential for groundwater contamination. The District supports California Model Well Code standards and the Tehama County well construction and destruction ordinance and will cooperate with the County Department of Environmental Health to provide information to County well owners regarding proper well construction and abandonment procedures.

Section 359. The District shall continue to support Tehama County Code Section 9.40 ("Aquifer Protection") and will coordinate with the Tehama County Counsel, County Planning Director and Environmental Health Director toward the proper enforcement of this ordinance. In this regard the District will provide, as requested, information that it has obtained, or has developed concerning the groundwater basins and subbasins in the County.

Strategy to Monitor Groundwater Conditions

Section 360. To protect and / or enhance the quality and quantity of water within the basin, the District shall construct a basin monitoring program. The monitoring program may consist of the measures identified in these sections and will be implemented by the adoption of rules and regulations.

A. Monitoring Basin Conditions: The ongoing collection and analysis of basic hydrologic data are important elements of the Management Plan. Monitoring is essential to characterize Basin conditions and to provide the technical information needed to make decisions regarding the optimal use and management of the Groundwater Basin. Monitoring of the Basin will allow the District to: 1) Prepare reliable sources and investigations, 2) Identify changing conditions, 3) Implement specific programs, and 4) Document the accomplishments of the management program.

B. Use of Existing Monitoring Data: The District shall coordinate with the California State Department of Water Resources, Northern District Office to use and supplement their existing semi-annual well water level measurement program.

C. Monitoring Changes in Water Levels. The District shall develop one or more monitoring wells within each basin for the purpose of monitoring groundwater storage. Monitoring of water levels will allow the District to gauge the status of the groundwater resource in response to the

environment and water use practices. The number and location of these wells will be determined by the District.

D. Monitoring Water Quality Conditions. The District shall include one or more monitoring wells within the basin for the purpose of measuring water quality conditions within the basin. The number and location of these wells will be determined by the District.

Section 362. The District shall prepare an annual estimate of the amount of water extracted from each Basin within the plan area and of the total cumulative groundwater extractions within the basin. This shall be accomplished by estimating the cumulative total of water extracted from the basin on an annual basis by crop duty estimates, the use of a water flow measuring device, power readings or any other generally accepted methodology for reliably determining the quantity of water pumped from the basin. To the best extent possible, existing data sources (private and/or agency pumping records, PG&E power readings, DWR Land & Water Use Reports) shall be used to develop these estimates.

Section 364. Abandoned wells provide the potential for pollutants or contaminants to enter and/or spread into the groundwater basin. As such, well abandonment represent a key concern to groundwater management. The District shall coordinate with the County Department of Environmental Health to obtain written notice upon completion of well abandonment projects.

Section 366. The District supports the abandonment standards enforced by the County of Tehama via County Code Chapter 15.56.

Technical Advisory Committee

Section 400. Upon adoption of the Resolution of Intention, an interim Technical Advisory Group shall be formed to serve as an advisory body to the District until such time as the plan is adopted by the District Board, but for no longer than a maximum of two years. One of the specific goals of this ad hoc group will be to develop the criteria to establish a permanent TAC and Zone Advisory Committees, which will be activated upon dissolution of the interim TAG.

Section 401. The District may establish a TAC comprised of licensed engineers, geologists, hydrogeologists, hydrologists, and other water professionals to review data, studies, reports and information which are collected, received or prepared by the District.

Section 402. The technical advisory committee shall operate pursuant to the rules, regulations and procedures which may hereafter be established by the

District and it shall have only those powers set forth therein. Eligibility to serve upon a designated technical committee shall be limited to those persons with technical expertise in water-related fields; e.g. engineering, hydrology, geology, water supply and management.

Section 403. Upon adoption of this plan, the District shall begin the process of developing the boundaries of Tehama County groundwater basins, subbasins, and areas. Pursuant to State Water Code - Appendix, Section 82-4, the District shall consider establishing zones for groundwater management for the described subbasins, or groups of subbasins having common characteristics. Pursuant to Section 82-6 of the Code, the District shall also consider establishing a zone advisory committee for each zone.

Section 404. Upon adoption of the Resolution of Intention, an interim Technical Advisory Group shall be formed to provide an advisory body to the District until such time that the plan is adopted by the District Board (no more than two years, maximum). The primary goals of this interim group are further discussed in Appendix C - "Advisory Group Draft Bylaws". One of the specific goals of this group will be to develop the criteria to establish the permanent Technical Advisory Committee and related zone advisory committees, which will be activated upon dissolution of the interim Technical Advisory Group.

Public Education and Community Relations

Section 410. It is essential to involve the public, agricultural, industrial and business communities early in the development of the Groundwater Management Plan. Throughout the development of the plan included herein, public education and community relations have been an integral element to groundwater management in Tehama County.

Section 412. The District shall continue to provide groundwater educational services to the public through public presentations, published information items, and references to groundwater data available through other public agencies.

Discussion of Phase II and Phase III Tasks

Section 500. Water Code section 10753.7 lists 12 components that may be included in a groundwater management plan. The priority management components are included as "Phase I" tasks and are discussed in the previous sections. Phase II activities shall consist of extension and expansion of Phase I activities, as well as more involved management activities, as outlined in Table 3-2 , below.

Table 3-3. Planned Phase II Groundwater Management Activities

Component Number	Activity
1	Identification and management of wellhead protection areas and recharge areas.
2	The review of land use plans and coordination with land use planning agencies to assess activities which create a reasonable risk of groundwater contamination.
3	Mitigation of conditions of overdraft.
4	Replenishment of groundwater extracted by water producers.
5	Protection of Beneficial Uses.
6	Promotion of water conservation programs.

Extension of Phase I Activities

Section 510. Phase II Management shall continue with the management activities established during Phase I. These activities may also be expanded to provide detailed data collection and evaluation by the District, as well as the continued development of the management program.

Identification and Management of Wellhead Protection Areas and Recharge Areas

Section 520. A Wellhead Protection Area (WHPA), as defined by the 1986 Safe Drinking Water Act Amendments, is "the surface and subsurface area surrounding a water well or wellfield supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield." The WHPA may also be the recharge area that provides the water to a well or wellfield.

Section 521. Wellhead Protection Programs are not regulatory by nature, nor do they address specific sources. Rather, they are designed to focus on the management of the resource rather than control a limited set of activities or contamination sources.

Section 522. Included in their Phase II Management duties, the District shall develop assessments as required to assist in the preparation of local Wellhead Protection Areas.

Coordination with Local Land Use Planning Agencies to Assess Potential Groundwater Contamination Activities

Section 525. In Tehama County, land use decisions are made by city and county government agencies. The District recognizes that review of land use plans and coordination with local, sub-regional and regional land use planning agencies is an integral component of a successful groundwater management plan.

Section 526. The District will develop communications with local planning agencies in Tehama County and nearby counties, regulatory agencies and private individual landowners to assist in ensuring that land use decisions are made based on a sound understanding of local water supply and quality. The District shall assist local planners whenever necessary to strengthen land use decisions which contribute to the protection of groundwater quality in the basin.

Section 527. The District recognizes the existing roles played by city planning departments, the Tehama County Planning Department, Tehama County Department of Environmental Health, adjacent counties, State Water Resources Control Board, and the Environmental Protection Agency relative to protection of groundwater quality within the plan area. Working with these agencies shall assure conformity with approved practices and avoid redundant jurisdictional overlaps.

Overdraft Mitigation / Water Replenishment

Section 535. Where necessary to ameliorate existing or threatened overdraft conditions or water quality degradation, the District may undertake a groundwater replenishment program. The District may carry out the water replenishment activities identified herein.

Section 536. In the event the annual statement discussed under "Data Inventory and Evaluation Strategy - Studies & Investigations" demonstrates threatened or existing overdraft conditions within the basin, or a threat to groundwater quality, the technical committee, upon direction by the District shall make a recommendation concerning the feasibility of developing and operating a replenishment project within the plan area.

Section 537. The District may acquire supplemental water for the purpose of

replenishing the basin.

Section 538. Upon a determination that the basin is in an existing or threatened state of overdraft, the District shall cause an investigation of potential replenishment projects to be carried out for the benefit of the plan area.

Section 539. If a replenishment project or projects appears viable, the District shall not levy any assessments or fees related to the operation of a replenishment project until the assessments or fees have been approved by a popular vote within the plan area and compliance with the California Environmental Quality Act has been satisfied.

Section 540. Upon receiving authorization of a majority votes of those cast within the plan area, the District may recover for the costs associated with the acquisition of supplemental water and operation of the replenishment project.

Section 541. After determining that alternative water supplies and/or a replenishment program are unavailable or infeasible, the District may adopt rules and regulations limiting the quantity of water extracted from extraction facilities within the basin and establishing priorities for available supplies.

Section 542. In the event the District adopts restrictions on the extraction of groundwater, the following beneficial uses shall be deemed to have the highest priority to available water supplies, as summarized in Table 3-4.

Table 3-4. Priority Beneficial Uses in Tehama County

Priority Designation	Beneficial Use
A.	Fire, health and sanitation within the plan area.
B.	Essential household domestic uses and agricultural irrigation.
C.	Domestic lawn and yard irrigation
D.	All other uses overlying the basin.
E.	All other areas within the plan area.
F.	Essential export uses.
G.	All other uses.

The Plan proponents may consider imposing a hierarchy between subcategories of each priority designation listed in this table, or other methodology to impose reductions in an equitable manner.

Section 543. Upon a determination that a significant threat of water quality degradation exists within any basin within the plan areas, the District will work with other responsible agencies to conduct an analysis of what remedial measures are required to reverse or mitigate the degradation. The analysis shall be completed within one year from the District determination of degradation.

Section 544. Upon a determination that ground levels are subsiding within the plan area, the District will conduct an analysis of the magnitude of the subsidence problem and potential remedial measures required to mitigate the land subsidence. The analysis shall be completed within one year of the date the District determines that subsidence exists within the basin.

The Protection of Beneficial Uses

Section 545. No groundwater shall be *transferred* from an extraction facility lying within any subbasin for use *on land overlying any other subbasin* or *be transferred for use outside the Plan Area* unless the operator has applied for, and obtained, a *transfer* permit *from the District*. The *transfer* permit shall establish the terms and conditions applicable to the *transfer* and it shall state the quantity of water which may be *transferred*. The District shall *not* issue any permits for *transfer* unless the applicant has first established that the subbasin from which the *transfer* will originate has a surplus amount of groundwater available in excess of the amount required for reasonable and beneficial uses within the relevant subbasin and the District determines that the *transfer* would not adversely affect the rights of the groundwater users within the subbasin or the public interest.

In establishing subbasin boundaries and implementing permitting requirements, the District will carefully balance the Plan goal of protecting subbasin hydrologic integrity against the pragmatic need to achieve practical administration of the Plan.

Section 546. All permits issued pursuant to Section 545 shall declare that they are subject to the right of the District to reduce or suspend such transfers pursuant to the rules established by the District from time to time and all permits shall be subject to the continuing jurisdiction and review of the District. The District shall, after published notice and a hearing which discloses evidence of overdraft of a subbasin or a substantial threat of overdraft of subbasin, consider whether the *transfer be reduced or suspended.*

Section 547. Any operator seeking to obtain a transfer permit under this Section shall also be required to demonstrate compliance with any ordinances, regulations or requirements concerning the export of groundwater as established by the County of Tehama. Nothing herein is intended nor shall it be construed as limiting or abridging the power of the County to adopt ordinances, rules or regulations concerning the export of groundwater as the County may in sole discretion determine. (See Sections 105-107).

Water Conservation

Section 550. Urban water users shall be encouraged to comply with the provisions of the Best Management Practices Memorandum, compiled by the California Urban Water Conservation Coalition in 1991.

A. The District shall coordinate with the Tehama County Planning Department to provide groundwater conservation information to prospective developers in the County.

B. The District shall coordinate with the Tehama County Department of Building and Safety to provide groundwater conservation information to builders in the County.

C. The District will encourage the continued evaluation of the use of recycled water as a potential conservation technique.

Section 552. The amount of water applied under agricultural operations may vary significantly. However, differences in soil conditions and water requirements (water duty) may significantly impact the extent of return flows for a given operation. Increased efficiency of agricultural uses shall be encouraged through a program of education and incentives.

A. The District shall provide educational materials to assist agriculture operations to become as efficient as possible.

B. The District shall provide references to public and private programs and materials designed to improve agricultural efficiency.

C. The District shall continue to coordinate with the Tehama County Farm Advisor, Natural Resource Conservation Service, DWR Northern District, Tehama County Farm Bureau and Tehama County Cattlemens Association to expand upon and further develop agriculture water conservation education programs.

Summary of Phase III Activities

Section 560. Long-term, management-intensive activities (Phase III - "Active Management") are summarized in Table 3-5, below.

Table 3-5. Phase III Management Components

Component Number	Activity
1	The control of saline water intrusion.
2	Regulation of the migration of contaminated groundwater.
3	Facilitating conjunctive use operations.
4	The construction and operation of groundwater contamination cleanup, recharge, storage, conservation, water recycling, and extraction projects.

Section 561. The components listed in Table 3-5 are tasks which can be included in a groundwater management plan, as specified in Water Code Section 10753.7. Each of these items is briefly discussed below. The groundwater management plan developed by the District shall not be limited to these components, since other features may be adopted in the future, as required, by the District Board of Directors.

Saline Water Intrusion Control

Section 570. While saline water does not currently constitute a problem to Tehama County groundwater, there are indications that the potential does exist for increased future salinity in some areas. The District shall consider the control of saline water intrusion a Phase III management activity, with anticipated controls generally described at this time in Table 3-6, below.

Table 3-6. Saline Water Intrusion:
Sources and Anticipated Controls

Saline Water Source	Control
Upward Migration of Saline Water	Extraction Reduction, Artificial Recharge
Downward seepage of sewage, agricultural or industrial waste	Coordination with land use planning agencies, public education.
Interaquifer Migration of Saline Water	Enforcement of well construction and abandonment standards.

Regulation of Contaminated Groundwater Migration

Section 575. Effective control and cleanup of contaminated ground water requires the following:

A. Coordination between regulatory agencies.
B. Source control.
C. Understanding of the local hydrogeology.
D. Delineation of the contamination.

The District shall support the regulatory authority and expertise practiced by the Tehama County Department of Environmental Health, State Regional Water Board, State Department of Toxic Substances, and the U.S. Environmental Protection Agency relative to these four issues in Tehama County.

Section 577. The District may confer with the County, the California Regional Water Quality Control Board and retail water purveyors within the Plan area to determine whether coordination of their individual or cumulative extraction and/or discharge activities may have a beneficial impact on the quality of water within the groundwater basin.

Section 578. All operators within the plan area shall exercise good faith to avoid the possibility of contaminating groundwater within the plan area.

Facilitating Conjunctive Use Operations

Section 580. Conjunctive use is the coordinated operation of groundwater and surface water supplies to add reliability to existing supplies and to maximize the number of beneficial uses within the Plan Area. The District shall evaluate the potential for facilitating conjunctive use operations within the Plan Area, as the District may deem necessary.

Section 582. The District may develop conjunctive use evaluations to maximize the beneficial use of water within the Plan Area, including, but not limited to the following:

A. Identify potential surplus surface water sources in years of high precipitation.
B. Identify potential conveyance facilities
C. Identify potential recharge areas.
D. Determine useable storage capacity in aquifers.
E. Identify and/or develop groundwater extraction facilities.
F. Identify and/or develop distribution facilities for surface water and ground water.

Section 584. The need for investigation, construction and operation of these facilities shall be determined by the District in the future, according to the needs of the County.

Construction and Operation of Groundwater Management Facilities

Section 588. The District may plan and construct certain project facilities to assure that water quality is protected and that the quantity of groundwater in storage is managed to meet long-term demands. Future studies and well monitoring evaluation may reveal the need for investigation, construction and operation of the following types of facilities:

A. Groundwater Recharge Facilities
    1. Stream beds
    2. Spreading grounds
    3. Percolation basins
    4. Injection wells
    5. Surface water delivery systems
B. Groundwater Extraction Projects
    1. Shifting of groundwater extractions from one part of the basin to another.

2. Use of surface water instead of groundwater during surpluses, in exchange for increase extraction of groundwater during dry periods.

C. Groundwater Contamination Cleanup Projects

Exemptions

Section 590. Operators who extract less than 1.5 acre feet per year from their wells are exempt from all provisions of this plan. Single family residences served by a single well are statutorily exempted per Water Code Section 10755.4.

Implementing Rules and Regulations

Section 592. The Tehama County Flood Control and Water Conservation District shall review the plan and plan administration performance on an annual basis, as discussed in Section 350. Consequently, the District will have to adopt rules and regulations from time to time, to implement provisions of this plan and applicable future modifications. These rules shall be adopted by the Tehama County Flood Control and Water Conservation District Board of Directors through ordinance or resolution.

Part 2.75 (commencing with Section 10750) of Division 6 of the Water Code is attached hereto as Appendix E.

4

Appendices

Appendix A : Definition of Terms

Section A01. Unless expressly otherwise provided in the ordinances, resolutions, rules, regulations and agreements implementing the provisions of this plan, the terms defined in this plan shall control the interpretation of this plan.

Section A02. "District" means the Tehama County Flood Control and Water Conservation District.

Section A03. "Aquifer" means a geologic formation or structure that transmits or stores water in sufficient quantities to supply the extraction of water by wells or springs.

Section A04. "Available supply" means that quantity of water which can safely be withdrawn in any given year from the groundwater basin without resulting in, or aggravating, conditions of overdraft, such as subsidence or water quality degradation. Available supply of the basin includes the naturally occurring supplies which are derived from precipitation, subsurface inflow and stream recharge. Available supply also includes that amount of water which would not have been available to the basin through natural recharging events such as imported water and any other water supply, which by virtue of the efforts of one or ore individuals, serves to replenish the basin. Available supply may include water added to the basin through conjunctive use, water reclamation, desalination as well the return flows from these sources.

Section A05. "Basins" means the two basins as shown in Figure 8 of this report and as originally established in DWR Bulletin 118-80.

Section A06. " Board" means the Board of Directors of the Tehama County Flood Control and Water Conservation District. The Board of Supervisors of the County of Tehama act as the ex-officio Board of Directors of the Tehama County Flood Control and Water Conservation District.

Section A07. "Cathodic Protection" means the technique to prevent the corrosion of a metal surface by making that surface the cathode of an electrochemical cell.

Section A08. "Conjunctive Use" means the coordinated operation of groundwater and surface water supplies to add reliability to existing supplies and to maximize the number of beneficial uses that may be safely supplied with

water in the Plan Area.

Section A09. "Export" means the extraction of groundwater from land overlying a basin within Tehama County for use outside of Tehama County.

Section A10. "Extraction" means the act of obtaining groundwater by pumping or by some other controlled means.

Section A11. "Extraction facility" means any device or method for the extraction of groundwater within the basin.

Section A12. "Groundwater" means percolating groundwater lying beneath the surface, in which the soil is saturated with water. Groundwater shall not include water which flows within known and defined channels and which forms the subsurface flow of a river, stream or creek.

Section A13. "Groundwater basin" means a geologically and hydrologically defined area, consisting of one or more aquifers and which stores and transmits significant quantities of water.

Section A14. "Groundwater management activities" means programs, measures, or action taken to preserve, monitor, protect, and enhance groundwater resources within the territory of the District.

Section A15. "Operator" means a person who operates a groundwater extraction facility. If the District is unable to determine who operates a particular facility, then "operator" shall mean the person to who the extraction facility is assessed by county assessor or, if not separately assessed, the person whom owns the land upon which the facility is located.

Section A16. "Overdraft" means the condition of the basin where the average annual amount of water extracted exceeds the annual supply of water to the basin.

Section A17. "Person" includes any state, or local agency, private corporation, firm, partnership, individual, group of individuals, or to the extent authorized by law, any federal agency.

Section A18. "Program" means a groundwater management program prepared by the District pursuant to this ordinance/resolution under the provisions of Water Code Section 10750 et seq.

Section A19. "Recharge" means the natural or artificial replenishment of groundwater storage by subsurface infiltration, percolation, or injection of one

or more sources o water.

Section A20. "Replenishment" means spreading or injection of water for the purpose of enhancing the recharge to the basin, or otherwise adding to the storage of groundwater within the basin.

Section A21. "Supplemental water" means surface water or groundwater imported from outside the watershed or watersheds of the basin and other water supplies that are conserved and added to the natural sources of recharge to the basin, which would have been otherwise lost or would not have reached the basin.

Section A22. "Transfer" shall mean the extraction of groundwater from an extraction facility located on real property lying within one subbasin for use on land overlying another subbasin or outside the Plan Area.

Section A23. "Well interference" means a substantial static water level decline in a short period of time in a localized area, which is caused by pumping of groundwater from extraction facilities.

Appendix B : Selected Reference List (Continued)

California Department of Water Resources, 1994. *1991 Annual Water Supply and Use.* State of California Department of Water Resources Northern District - Red Bluff.

Dauwalder/Jackson Engineering, Inc, 1990. *Pollution Study - Proberta and Las Flores, Tehama County , CA.* County of Tehama.

Tehama County Public Works Department, 1990. *Water Resources Management in Tehama County ---Preliminary Draft.* Tehama County Flood Control and Water Conservation District.

Tehama County Water Task Force, 1993. *Report of Groundwater Subcommittee to Tehama County Water Task Force.* Tehama County Water Task Force, Tehama County Flood Control and Water Conservation District.

University of California Cooperative Extension, Butte, Glenn and Tehama Counties, 1995. *"Groundwater in the Northern Sacramento Valley. What is it? Where is it? Where does it come from?"*

University of California Cooperative Extension, Butte, Glenn and Tehama Counties, 1995. *"Groundwater Levels in the Northern Sacramento Valley - Tehama County".*

U.S. Department of Agriculture, 1956. *Preliminary Report for Stanford Vina Ranch Irrigation Company.* U.S.D.A. Soil Conservation Service.

U.S. Department of Agriculture, 1961. *South Deer Creek Drainage Investigation - 1960 and 1961.* U.S.D.A. Soil Conservation Service

U.S. Environmental Protection Agency, 1994. *Ground Water Management Programs: Strategies for Local Government.* Office of Ground Water and Drinking Water and Region 9, Source Water Protection Section.

U.S. Geological Survey, April 1975. *Descriptions and Chemical Analyses for Selected Wells* in the Tehama-Colusa Canal Service Area, Sacramento Valley, California. U.S. Department of the Interior, Geological Survey.

U.S. Geological Survey, 1983. *Ground Water in the Redding Basin, Shasta and Tehama Counties, California.* U.S. Department of the Interior, Geological Survey.

Appendix B : Selected Reference List (Continued)

U.S. Geological Survey, 1985. *Test Holes for Monitoring Surface-Water/Ground-Water Relations in the Cottonwood Creek Area, Shasta and Tehama Counties, California, 1984-85.* U.S. Department of the Interior, Geological Survey.

Appendix C: Tehama County Groundwater Management Plan Advisory Group Draft Bylaws

General Provisions

Section C10. The Tehama County Groundwater Management Plan Advisory Group ("Group") shall be an interim groundwater management plan advisory body to the Tehama County Flood Control and Water Conservation District Board of Directors ("Board"), via the Director of Water Resources or his authorized agent. The purpose of the Group is to enable Tehama County citizens to have a meaningful say in how the final AB 3030 groundwater management plan document is developed.

Section C20. The Group will act in an advisory capacity between the time that the Resolution of Intention is adopted by the Board and the time that the District AB 3030 Plan is adopted by the Board (a time period not to exceed 2 years). It shall not take the lead in developing such a plan. Any action or information to be presented to the District Board of Directors by the Group shall be accomplished through the Director of Water Resources or his designated agent.

Section C30. The Group will operate on principles of collaboration. Group members are sought who are committed to working together with other interests for the long-term benefit of Tehama County groundwater resources and the people who rely on these resources.

Section C35. Specific goals of the group shall include, but not be limited to the following:

1. Develop criteria for the review of the Board to establish permanent "Zone Advisory Committees" for each sub-basin identified in the plan.

2. Develop criteria to establish the AB 3030 Technical Advisory Committee, which will consist of members from each zone advisory committee, plus one "at-large" member appointed by the District Board of Directors.

3. Further refine the data requirements and presentation format required for the annual reports discussed in Section 350 of the plan.

Membership

Section C40. Membership of the Group will initially consist of (11) members approved by the District Board of Directors. Representation will be based on the general interest categories listed below, with ten members from the following categories, plus an eleventh member representing "at-large" interests.

Agriculture

Section C41. Five water users from the agricultural sector, including agriculture-related water districts which are participants of the plan (i.e. not exempt); at least three representing a private pumper or diverter.

Domestic, Industrial and Municipal

Section C42. One person representing Red Bluff. One person representing, collectively, Gerber, Los Molinos, Rancho Tehama, Tehama, and the smaller domestic water suppliers (CSD's, Rio Alto, etc). One person representing Corning.

Environment and Recreation

Section C43. This position would represent the environment and water-based recreation industry in Tehama County. Emphasis would be on fishing, fisheries, and water-related wildlife habitat. May be an employee of environmental agency.

Forestry

Section C45. One member representing timber interests should be considered, since many upstream drainage areas which contribute to groundwater recharge are controlled by the timber industry or governed by the Forest Service.

At Large

Section C46. This position would be selected by the Board of Directors. The position should represent the county as a whole.

Nomination Criteria

Section C50. The Flood Control and Water Conservation District will call for

nominations to the Group at a Regular Flood Control Board meeting. Nomination forms will be made available through the District Office in Gerber. Individuals can nominate themselves. Nomination forms shall provide sufficient information relative to:

- Application Process
- Address and phone number
- Education and career highlights
- Training or experience
- Knowledge of groundwater issues
- Demonstrated commitment to cooperative solution development
- Area of interest to be represented

Section C60. The nominations will be reviewed and selected by the District Board of Directors.

Section C70. Group members should have background, experience or general knowledge in the area of water, domestic water use or irrigation, especially relative to local groundwater issues. Members should be residents of Tehama County, and / or be employed in Tehama County, and have an economic interest in the preservation, protection and enhancement of the groundwater resources of Tehama County.

Vacancies

Section C80. Vacancies shall be filled pursuant to the Mattie Act.

Additional Members

Section C90. Additional members may be added to the Group through the procedure listed under "Nomination Criteria", above. Membership of the Group shall not exceed fifteen voting members, and the total number of active members shall be an odd-numbered total (eg 11, 13, 15). Additional members shall have credentials similar to those required of the "At-Large" member.

Meetings and Quorum

Section C100. The Group shall meet at least quarterly or more frequently as decided by the majority of the Group. The Director of Water Resources has the authority to call additional meetings as needed.

Section C110. The majority of the total Group members shall constitute a quorum.

Section C120. The Chairperson of the Group shall contact a member who has

exceeded 2 consecutive unexcused absences from regular Group meetings. If no response is received from the member within 30 days or if the member states that he/she does not wish to remain a member, the Board of Directors shall be notified to appoint a replacement. If the member states that he/she wishes to remain with the Group, he/she shall be considered a member in good standing.

Section C125. Any member who misses more than three meetings in an 18-month period due to unexcused absences shall be contacted by the Chairperson of the Group. If no response is received from the member within 30 days or if the member states that he/she does not wish to remain a member, the Board of Directors shall be notified to appoint a replacement. If the member states that he/she wishes to remain with the Group, he/she shall be considered a member in good standing.

Election of Chairperson

Section C130. The Chairperson shall be elected each year at the last quarterly meeting of the Group and shall assume the duties of such office at the first quarterly meeting of the new year.

Section C140. No member shall hold the office of Chairperson for more than two consecutive terms unless extended by written ballot of the Group.

Section C150. The Chairperson may be removed from office and relieved of duties by a majority of the membership.

Duties of Chairperson

Section C160. The Chairperson shall preside at all meetings of the Group and perform duties consistent with the procedures outlined herein. The Chairperson shall make an annual report to the Tehama County Flood Control and Water Conservation District Board of Directors in December of each year or more often as recommended by the Director of Water Resources.

Section C170. In the absence of the Chairperson, the members shall, by order duly entered in their records, elect one of the number to act as Chairperson pro tem.

Section C180. The presiding officer shall maintain order and decorum and decide questions of procedure (according to Robert's Rules of Order) subject to the right of the Group to appeal. He/she shall call the meeting to order promptly at the appointed hour and conduct the meeting as prescribed by these procedures and the laws of the State of California.

Secretarial Assistance

Section C190. The functions of this office will be performed by an assigned Tehama County Flood Control and Water Conservation District employee, designated by the Director of Water Resources. This employee is not a voting member of the Group. In the event District resources preclude this, the office of Secretary shall be established with the following duties:

Section C200. The Secretary to the Group will attend all meetings of the Group, and also committee meetings when requested.

Section C210. The Secretary shall maintain a record of all sessions and Group attendance.

Section C220. The agenda for regular meetings shall be prepared by the Chairperson and distributed by the Secretary to each Group member in conformance with Brown Act requirements. Copies of the agenda shall be made available at each meeting for the public. The agenda shall allow time for additional public comment.

Executive Sessions

Section C230. The Group may conduct executive sessions during any regular, adjourned regular, or special meeting to consider those matters allowed by law to be heard in this manner. Executive Sessions will be conducted in accordance with the Brown Act.

Committees

Section C240. The Group may create standing committees. Staff shall serve in an advisory capacity only to any committee. The Chairperson shall appoint Committee members with the concurrence of the individual appointed.

Miscellaneous Provisions

Section C250. All meetings of the Group and all meetings of the committees appointed by the Board shall be open to the public, excepting executive sessions as provided by law.

Section C260. All actions and decisions shall be by a majority vote of the members present. In the event of a tie vote, "Tie Votes and Cases in Which Chair's Vote Affects the Result" (Robert's Rules of Order) shall dictate.

INFORMATION SOURCES

Section C270. The following documents were referenced and incorporated into the proposed plan to develop a permanent advisory group structure:

1. "Interoffice memorandum", Hatch & Parent, Feb. 17, 1995.

2. "BLM Seeks Resource Advisory Council Members" BLM News Release, May 19, 1995.

3. "Mental Health, Drug and Alcohol Board Bylaws", Tehama County Health Agency.

4. "Local Mental Health Board Restructuring" State Department of Mental Health Information Notice No. 92-38, December 17, 1992.

5. "The Community Values of Water and Suggestions on Incorporating Them Into Water Policy" Water Education Foundation, May 12, 1994.

6. Meeting Notes/Correspondence re: Planning Committee for Tehama County Water Resources Advisory Board, University of California Farm Advisor April-May 1994.

7. Robert's Rules of Order , Scott, Foresman and Co., 1981.

8. Chapter 2.20, "Planning Commission", Tehama County Code.

Appendix D: LEGAL DISCUSSION - ISSUE FOCUS

APPENDIX D

SUPPLEMENT TO TEHAMA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT COORDINATED AB 3030 GROUNDWATER MANAGEMENT PLAN

LEGAL DISCUSSION
ISSUE FOCUS

A number of comments on the Preliminary Draft AB 3030 plan raised legal issues concerning California water law. Appendix D to the Preliminary Draft, entitled *"Summary of Groundwater Law" - excerpt from "Report of the Groundwater Committee"*, provides an excellent summary and overview of the subject. However, the District acknowledges that the laws governing water rights in general, and groundwater management in particular, are commonly viewed as arcane and complex. Given the extent of the many verbal and written comments raising legal issues, a more detailed discussion of some of the legal issues raised by the Plan is warranted.

This discussion is offered to address the concerns raised by the comments and to elucidate the legal rationale and under-pinnings of the District Preliminary Draft. The District acknowledges that this Appendix is by far from the "final word" on any of the items addressed herein. The more humble intention is to supplement the text and facilitate understanding of Plan goals and implementation issues for those interested in the legal framework applicable to water rights and regulation of groundwater as it applies to the District's AB 3030 Plan.

I. INTRODUCTION

A. BASIC GROUNDWATER HYDROLOGY

Legally and technically, all water beneath the surface of the earth is subsurface water or "groundwater." However, in the California water rights context, groundwater has a very specific meaning and importance. For the purpose of determining rights of use, groundwater in California is generally grouped into two classifications: it is either "subsurface flow" through known and definite channels or "percolating groundwater."

Subsurface flow is characterized as water that is moving through permeable material, typically alluvium (sand, gravel, silt and clay), which underlies or comprises the bed of a stream and is essential to the existence of the stream. Although technically groundwater as it found beneath ground surface, subsurface flow is subject to the State Water Resources Control Board (SWRCB) permitting and regulatory processes.

Basically, all water beneath the earth which is not subsurface flow (or groundwater flowing within a known and defined channel) is percolating groundwater. Contrary to images of huge underground lakes, generally percolating groundwater is the water that accumulates in tiny spaces between alluvial material, or in the crevices in fractured hard rock. These water-bearing geologic formations are known as aquifers. A groundwater basin, as a hydro-geologic unit, may contain one large or several connected and interrelated aquifers. However, unlike subsurface flow, the appropriation, extraction or use of percolating groundwater is, absent special circumstances, not subject to SWRCB jurisdiction. Accordingly, the SWRCB does not require a permit to use percolating groundwater.

Indeed, as most people in Tehama County are aware, in contrast to the state-controlled licensing process applicable to surface water (and subsurface flow), there is no comprehensive statewide regulatory framework applicable to groundwater. Instead, local communities must manage their local groundwater resources through some combination of local ordinances and AB 3030 plans, or by lobbying the state legislature to create a specific local agency with the power to adopt and enforce a groundwater management plan.

B. WATER RIGHTS INVOLVE THE RIGHT TO USE THE RESOURCE, NOT ABSOLUTE OWNERSHIP OF THE WATER ITSELF

Water rights are property rights. However, this does not mean that landowners "own" unconditionally the water under their property, and therefore are able to do whatever they want with it without government intervention. To the contrary, California long ago rejected what is called the English common law or absolute ownership rule, where landowners own everything beneath their land and are entitled to whatever groundwater can be pumped.

In California, all water is the property of the people of this state. (Water Code §§ 100-104.) State law provides that property rights in water, including groundwater, are "usufructuary" only, meaning the right is not one of absolute ownership but merely the opportunity or right to use water within certain prescribed limits. (*Locke v. Yorba Irr. Co.* (1950) 35 Cal.2d 205, 211; *See* Water Code § 102; *People v. Shirokow* (1980) 26 Cal.3d 301, 308-309.)

The most important limitation on the right to use water is the reasonable use mandate provided in article X, section 2 of the California Constitution. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 441-443; *Joslin v. Marin Municipal Water District* (1967) 67 Cal.2d 132.) This constitutional provision requires that use of water must be reasonable and beneficial. Examples of beneficial uses are agricultural irrigation, domestic or municipal use.

(*See* Water Code §§ 106, 106.5; Cal.Code Regs., tit., 23 § 661 et seq.) Generally, the reasonable use criteria ensures that water is used efficiently and not wasted. For example, using substantial quantities of a stream to flood a field to drown gophers is very likely to be found "unreasonable". Conversely, using 2.5 acre feet per acre per year to irrigate citrus crops is much more likely to satisfy both the reasonable and beneficial requirements.

C. CORRELATIVE RIGHTS DOCTRINE

In rejecting the absolute ownership rule, in 1903 the California Supreme Court adopted instead what some have argued as a more community-oriented approach to groundwater rights. This common ownership approach has been refined through case law as the doctrine of "correlative rights". Under the doctrine of correlative rights, all landowners overlying a common groundwater supply have a co-equal right to an equitable proportion of the water supply based on several factors.

California, however, is not a pure correlative rights state. A person not owning land overlying groundwater may still acquire the right to use water as an appropriator. Accordingly, California applies what is called a dual system of water rights, creating two types or classes of groundwater users' rights: -- overlying rights and appropriative rights.

D. OVERLYING RIGHTS

Overlying rights are analogous to riparian rights to surface water. Owners of land overlying a groundwater basin (overlying owners) can extract as much groundwater as necessary to meet the reasonable and beneficial needs for use on that land. Overlying rights are considered correlative with all other similarly situated property owners who overlie the common groundwater supply. A correlative overlying right simply means that all overlying owners have equal rights to pump groundwater from the basin for use on their respective overlying properties.

E. APPROPRIATIVE RIGHTS

When overlying owners do not fully utilize the available safe yield of the basin, a surplus exists which is available for non-overlying users or uses. These rights are called appropriative rights. Appropriative rights, for example, allow extraction of groundwater for use on non-overlying lands and for service to the public at large in communities that may or may not overlie the basin.

As between appropriators, priority is determined on the basis of first in time, first in right. In other words, the first appropriator to put the water to beneficial use enjoys a priority right to that amount of water as against later appropriators. Consequently, a single appropriator can effectively exclude all other appropriators from a groundwater basin if the first appropriator utilizes all the available surplus in the basin.

As a matter of public policy, and consistent with California's treatment of riparian rights, the corporate boundaries of a political entity or retail water supplier do not vest the entity with overlying water rights. (*See e.g. Eden Township Water Dist. v. City of Hayward* (1933) 218 Cal. 634; *City of San Bernardino v. City of Riverside* (1921) 186 Cal. 7; *Orange County Water District v. City of Colton* (1964) 226 Cal.App.2d 642.) Accordingly, the public or private water purveyors who extract water from a basin and provide it to customers overlying the same basin are considered appropriative users in the vast majority of cases.

Generally, in times of shortage appropriators must give way to the rights of overlying users. However, in some circumstances arising from overdraft and the accrual of prescriptive water rights, retail water suppliers may obtain some priority over other competing uses including those exercised by property owners overlying the basin. (*City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199.)

E. OVERDRAFT

All groundwater rights, whether overlying or appropriative, are limited by the scientific/legal concept known as "safe yield." Safe annual yield is generally characterized as the amount of water that can be withdrawn from a groundwater basin on an annual basis without causing an undesirable result. This quantity of water is equivalent to the annual replenishment the groundwater basin receives from all hydrologic sources.

Safe yield is reached when the amount of water being pumped equals the replenishment coming into the basin by rainfall, return waters, runoff and underflow. The legal definition of safe yield is a mirror of the hydrologic one. The hydrologic definition has actually been incorporated into the cases. (*See City of Los Angeles v. City of San Fernando* 91975) 14 Cal.3d 199; *City of Pasadena v. City of Alhambra* (1949) 33 Cal.2d 908.) Other than for the caveat created by a "temporary surplus[1]", overdraft of the groundwater basin begins when extractions exceed the safe yield.

Overdrafting a groundwater basin can cause both temporary and permanent problems. Land subsidence, the lowering or settling of the land surface, can occur when aquifer materials are dewatered. In some cases, the subsidence can be permanent, causing a permanent reduction in the capacity of the basin. Some coastal basins may be prone to seawater intrusion if the level of groundwater drops too low. In other critically overdrafted basins the reduced capacity simply causes an increased concentration of natural minerals, resulting in compromised water quality. Finally, lowering water levels lead to increased pump costs and eventually to dry wells.

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[1] *See City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199.

E. PRESCRIPTIVE RIGHTS

Once the safe yield is exceeded and a basin is in a condition of overdraft, a third type of water right may be established, known as a "prescriptive right". Acquiring a prescriptive water right is similar to gaining a real property interest by adverse possession with the right being established after five years of continuous extraction by an *appropriator* that has been actual, open, notorious, adverse, and exclusive. (*City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199; *Hi-Desert County Water District v. Blue Skies Country Club, Inc.* (1994) 23 Cal.App.4th 1723.)

Each of these requirements has a specific legal meaning; a prescriptive water right cannot be established unless each condition is met for the required prescriptive period. The prescriptive period begins when there is sufficient notice of the overdraft conditions to the affected water users. (*City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199.) Thus, it takes at least five years of overdraft conditions before a prescriptive right is established. A break in the five year continuity will preclude the accrual of a prescriptive claim. However, once a prescriptive right is perfected, it can take priority over overlying and appropriative rights to the extent of the prescription. (*Hi-Desert County Water District v. Blue Skies Country Club, Inc.* (1994) 23 Cal.App.4th 1723.)

F. GROUNDWATER BASIN ADJUDICATION – DOCTRINE OF MUTUAL PRESCRIPTION

Until there is an overdraft condition in a groundwater basin, there is generally little reason to seek court intervention to quantify rights to the basin for the simple reason there is enough water for all. However, once a basin is subject to overdraft conditions, basin users often resort to litigation to establish limitations on the quantity of groundwater use and to establish operating limitations for the respective basin. The most common method is known as a court administered "groundwater basin adjudication".

In 1949, the California Supreme Court established the "mutual prescription" doctrine as a method to allocate groundwater among competing claimants. Under this doctrine, both overlying and appropriative rights merge into prescriptive rights. In effect, once a basin goes into overdraft, each well owner begins to establish a prescriptive right as against all other users -- *they mutually prescript against one another. Historical use for each well owner through the five* years preceding the filing of the basin adjudication is used to calculate a base prescriptive entitlement. The court then determines the basin's safe yield and applies a proportionate reduction to each well owner's historical prescriptive entitlement. Thus, under the mutual prescription doctrine each user is forced to share pro-tanto in the "misery index" associated with a forced reduction on pumping.

In practice, the allocation formula was used as a method to equitably distribute the cost of acquiring supplemental water to mitigate any adverse of impacts from overdraft. Those parties with higher priority groundwater rights were usually required to pay for a lesser amount of replenishment water.

Unfortunately, this doctrine encouraged a "race to the pumphouse" in those basins close to or in the midst of overdraft because pumpers received a greater allocation if they pumped more during the five-year historical period, irrespective of when they first began their use. Accordingly, under "mutual prescription", every pumper was encouraged to pump more groundwater although other competing users may have relied upon the same supply for decades..

In 1975, the California Supreme Court re-evaluated the doctrine of "mutual prescription" and severely limited its application in *City of Los Angeles v. City of San Fernando*. The court returned to the concept of priority of appropriation by insulating public entity and private utility water purveyors from prescription under Civil Code §1007. (*City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199.) Under *San Fernando,* public and private utility water purveyors retained their priority right against subsequent appropriators on the basis of first in time, first in right. Meanwhile, the private overlying landowners retained their overlying rights to the extent not diminished by prescription. (*City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199; *Hi-Desert County Water District v. Blue Skies Country Club Inc.* (1994) 23 Cal.App.4th 1723.)

G. PHYSICAL SOLUTION AND COURT ADJUDICATION

In addition, to abandoning the "mutual prescription" rule of allocation, the Court in *San Fernando* also touted the role of "physical solutions" in resolving groundwater conflicts. In practice, courts are urged to find equitable resolutions to conflicts between competing groundwater users. To be sure, the process of adjudication still includes quantification of each well owner's historical use and the protection of priority groundwater rights. However, the trial court judge encouraged to use concepts of equity in fashioning an allocation among competing users which maximizes the reasonable and beneficial use of water. (*City of Los Angeles v. City of San Fernando* 91975) 14 Cal.3d 199; *Wright v. Goleta Water District* (1985) 174 Cal.App.3d 74; *Hi-Desert County Water District v. Blue-Skies Country Club, Inc.* (1994) 23 Cal.App.4th 1723.)

While the finality and comprehensive result are the primary benefits of an adjudication, the process is subject to frequent criticism becauseadjudications are often costly, adversarial and time consuming. Consequently, it is viewed as the remedy of last resort.

Absent an adjudication, overlying landowners do not have a specific or quantified water right to groundwater. Their relative need and correlative rights to groundwater are predicated and balanced upon the facts and circumstances of each case. Because the rights are not subject to forfeiture by nonuse or granted a priority by historic use, the overlying right is subject to some degree of uncertainty. Moreover, to the extent an appropriator is only entitled to surplus in

excess of the cumulative requirements of all overlying owners, their rights are even less certain. (*Tulare Irrigation Dist. v. Lindsay-Strathmore Irr. Dist.* (1935) 3 Cal.2d 489; *Wright v. Goleta Water District* (1985) 174 Cal.App.3d 74.)

H. NON ADJUDICATION GROUNDWATER MANAGEMENT IN CALIFORNIA

In many areas of California, groundwater problems have reached a crisis proportion. Groundwater contamination, salt-water intrusion and overdrafting are common occurrences. Despite the importance and value of groundwater as resource and in the face of many of these problems, California has not implemented a comprehensive state-wide program to regulate or manage its groundwater resource. Consequently, the responsibility for regulating groundwater use has fallen to the courts. Given the dissatisfaction with court adjudications as a method to retroactively allocate water among users, an effort has been mounted to address groundwater through local management programs.

The management options include AB 3030 groundwater management plans, local ordinances, or special act agencies such as the Honey Lake Valley Groundwater Basin Management District, the Pajaro Valley Water Management Agency or the Fox Canyon Groundwater Management Agency. These management schemes *do not* displace the historic groundwater rights enjoyed by the water users in the groundwater basin. While the activities undertaken pursuant to the management plan may modify or control groundwater use, they generally operate as resource management overlay to the existing water rights framework.

Because no two groundwater basins are identical, local basin management programs necessarily differ in purpose and scope. Typically, local groundwater management strategies include monitoring groundwater levels and well extractions, cooperative arrangements among pumpers to minimize or eliminate problem conditions, and, where applicable, conjunctive use of groundwater and surface water supplies.

1. AB 3030

The Groundwater Management Act of 1992, commonly referred to as "AB 3030," is a relatively recent program giving local public agencies a legal framework to develop groundwater management programs in their communities. AB 3030 plans are voluntary and the details of each plan are left to the local agencies and communities. When AB 3030 was first adopted it was hailed as a major step towards effective groundwater management. In some areas it has been a perfect tool to build consensus which will lead towards successful basin management. In other areas, the lack of consensus has made implementation much more difficult. Ultimately, a successful AB 3030 plan, as any other groundwater management program will turn on a technical understanding of the groundwater resource and may include a wide variety of management tools, including extensive basin monitoring and data collection efforts, pump charges and restrictions on extraction when absolutely necessary.

2. Basin Adjudication

In connection with the court administered adjudication process noted above, a watermaster is oftentimes appointed as the administrator of the management program. Also the court will retain jurisdiction over the judgment so that the parties have immediate access to the court to resolve any future disputes related to their adjudicated rights. The judgment may establish pumping limits and charges, a monitoring program, as well as a variety of other use limitations depending upon the details of the physical solution developed.

3. Special Act Agencies

Special act groundwater management agencies, such as the Honey Lake Valley Groundwater District, are formed by action of the legislature. Generally, these agencies are governed by a board of directors that may be appointed or elected. These agencies are empowered to conduct studies and perform groundwater management by regulation. Each agency's authority and limitations are customized for the particular technical and political context in which they operate. There are close to a dozen special act groundwater management agencies that have been established in California.

4. Local Ordinance

As Tehama County residents are well aware, some cities and counties have used local ordinances and regulations to regulate groundwater use within their jurisdictions. *The Baldwin v. County of Tehama,* decision confirmed the right of cities and counties to adopt local regulations concerning groundwater. Moreover, the *Baldwin* decision further confirmed that the County is the general police power to regulate groundwater and water transfers has not been the subject of "occupational" preemption, and they are free to adopt local ordinances that do not conflict with state legislative mandates.

The County has a more generalized power to regulate the use of groundwater within their jurisdiction than that offered to special act agencies or through AB 3030. Therefore, Tehama County's power and authority to regulate the export and use of groundwater is a core acknowledgment of the District's proposed AB 3030 plan. The District AB 3030 Plan is designed to compliment the County's actions pursuant to its police power.

II. GROUNDWATER MANAGEMENT UNDER AB 3030

After carefully weighing the various alternatives to groundwater management, the District has opted to acknowledge and promote the use of local ordinance(s) enacted at a city and county level concerning groundwater use and to actively engage the AB 3030 process to build a broad consensus for the management of groundwater resources in Tehama County. As noted in section 105 of the Plan, it is not the intent of the District that in adoption of its AB 3030 Plan that the District in any way compromises the regulatory authority of Tehama County, or any city within the County. Indeed, the District fully expects that the County and cities in the County will enact local ordinances to compliment the management efforts institutionalized by the Plan. However, the provisions of AB 3030 can form the basis of a comprehensive and integrated management program, which is buttressed by the police power of local ordinances.

A. PURPOSES OF THE DISTRICT PLAN

AB 3030 does not mandate any specific form or function of a groundwater management plan adopted under its provisions, nor does it ordain any specific result. Rather, AB 3030 is but on tool made available by the Legislature to local communities so that each community can customize its own groundwater management efforts. Communities, in theory, are supposed to carefully examine the pertinent groundwater resource issues and use the AB 3030 mechanism to build a management scheme to address those issues. This is precisely what the District's AB 3030 Plan seeks to accomplish.

The District, in its preliminary planning and scoping process, has examined the local resource issues and as a first step developed the broad set of purposes of the Plan as set forth in section 104. To paraphrase this section, the initial purposes of the Plan were initially identified to: 1) protect the groundwater resource so that local users have a reliable long-term water supply; 2) ensure that on a long-term basis extractions from and replenishment to the basin are balanced consistent with the public interest; 3) implement the Plan through County-wide consensus wherever possible; and 4) protect basin groundwater quality.

As a part of the revision process in producing the Plan, the District has concluded that a more specific statement for the purpose of "preventing overdraft" should and will be added to the Plan. This will provide more explicit acknowledgement that the Plan is inspired, in part, by the County Charter amendment, and that the overriding and paramount concern is the prevention of overdraft. In any event, these are admittedly general and broadly stated purposes for the Plan. It will be the challenge of the District and other participants to give practical meaning and effect to the Plan purposes. In summary, the Plan is analogous to a "constitution" for groundwater management. While the Plan will establish the goals and process, the ultimate success of the Plan will be rise or fall upon the establishment of a consensus for groundwater management and in the virtue of the mechanisms established to implement the Plan.

B. NEITHER AB 3030 OR THE PLAN PROMOTE OVERDRAFTING OF THE BASIN

1. Conjunctive use is a management tool which does not create, trigger or foster overdraft conditions.

AB 3030 generally, and the Plan in particular, is not intended to promote conjunctive use and intentional overdrafting of Basin groundwater. By way of background and accepted general definition, "conjunctive use" means the coordinated and planned operation of surface and groundwater resources to reduce waste or loss and to optimize water supply use. Generally, there are timing and usage practices for basins or subunits which have both surface water and groundwater supplies available, which if put in place, would ensure that the total water supplies are put to optimal use.

For example, any given area might be able to alter its seasonal use of groundwater or surface water sources to maximize the recharge capability of the local groundwater basin. If an area does not have both surface and groundwater sources available, it generally cannot engage in conjunctive use practices.

We know of no legal or hydrologic link between conjunctive use and the intentional overdrafting of a groundwater basin. Overdraft will occur if more water is removed from a basin than is replenished on an annual basis. If such a condition should exist without mitigation and outside of stringent controls, the goal of comprehensive groundwater management generally, and the specifically stated primary purpose of the District's AB 3030 Plan would be defeated. As such, the conjunctive use operation would be prohibited.

2. AB 3030 sets threshold conditions before extractions can be limited but does not require conjunctive use

As noted above, AB 3030 does not require the use of specific resource management tools and certainly does not promote overdrafting of groundwater basins. Instead, AB 3030 provides a framework to achieve groundwater management objectives. Conjunctive use is a management tool which may be utilized under AB 3030, that is, if the local proponents of the plan so choose. In no instance does AB 3030 explicitly or implicitly suggest that intentionally overdrafting a groundwater basin on a long-term basis is an appropriate method of groundwater management. Moreover, the primary purpose of the District AB 3030 Plan as amended, the ability of any overlying landowner to enjoin the overdraft of groundwater and the desire to avoid a basin adjudication suggest practical and legal limitations on intentional overdrafting, irrespective of whether proponents sought to justify overdraft under the guise of conjunctive use.

As a protection to the rights of the local basin users, AB 3030 does impose threshold criteria before the District or other Plan proponents could limit or suspend extractions. AB 3030 provides:

"Nothing in this part [AB 3030] shall be construed as authorizing the local agency [the District and other Plan proponents] to limit or suspend extractions unless the local agency

has determined through study and investigation that groundwater replenishment programs or other alternative sources of water supply have proved insufficient or infeasible to lessen the demand for groundwater." (Wat. Code § 10753.8(c).)

In a similar manner, another provision of AB 3030 requires that the Plan proponents consider the impacts on local business activities which may result from any rules or regulation which involve limiting or suspending extractions:

> "In adopting rules and regulations pursuant to Section 10753.8, the local agency shall consider the potential impact of those rules and regulations on business activities, including agricultural operations and to the extent practicable and consistent with protection of groundwater resources, minimize any adverse impacts on those business activities." (Wat. Code § 10753.9.)

These sections impose a duty on the local community to maximize the use of its available water supplies before it imposes pumping restrictions under its AB 3030 plan. To meet the precondition to limit or suspend extractions, the Plan proponents must simply find that groundwater replenishment programs (whether by conjunctive use or otherwise) or other alternative sources of water supply (reclamation, importation, etc.) are insufficient or infeasible. And in imposing pumping restrictions, the Plan proponents must attempt to minimize the impacts on local businesses.

The District surmises that most local users would prefer less intrusive regulation unless absolutely necessary. These preconditions serve to protect private property rights in the use of groundwater without negating the District's overriding interest to prevent the adverse impacts associated with overdraft. In other words, the District and the Plan proponents cannot attempt to limit extractions without making some prior effort to ensure that the groundwater resources available are being efficiently used and that the local economic impacts are carefully considered before restrictions are imposed.

Meeting these requirements will obviously vary with subunit conditions. In other words, some subunits may have more management options than others which foster creative solutions to future water supply issues. However, this does not mean that AB 3030 *mandates* conjunctive use or overdrafting, or that the local agency must wait until an overdraft condition has persisted for any length of time before extractions may be limited or suspended. To be sure, every indication is to the contrary.

The fact that the District has taken strong, proactive steps in promoting groundwater management ought to be some evidence of its commitment to the aggressive protection of its local groundwater resources. In the absence of the AB 3030 Plan, coordinated groundwater management is less likely.

3. The Plan does not require conjunctive use or overdrafting

The core of the District's AB 3030 Plan provides as its fundamental purpose the protection of the viability of the local groundwater resources so that local users have a reliable, long-term water supply. Certainly, if in developing the detailed programs for each subunit, implementation of conjunctive use practices would provide benefits in terms of the quantity or quality of water available for local users, the District would be irresponsible if it did not promote such practices. While the District is presently unaware of any specific program, preparing a framework to address future scenarios is a part of good management.

Contained within the revised Plan's primary stated purpose of prohibiting overdraft is the statement that the Plan will "balance long-term average annual replenishment with extractions and other losses to the basin as may be consistent with the public interest." Apparently some have interpreted this purpose as an endorsement of combining intentional overdraft with conjunctive use. Again, as revised above, the clear and unequivocal statement that the prevention of overdraft is a primary purpose of the Plan should be dispositive of this concern.

From a legislative and judicial perspective, the District power to protect landowners and the "public interest" is designed to increase, rather than restrict the ability of the District to address problems in the future. By no means does the District embrace intentional overdraft.

By analogy, the District views this purpose as a statement of the fundamental requirement of any resource management effort -- to develop a management program based on a sound hydrologic understanding of each subunit. (Necessary elements of this hydrologic model includes the quantification of annual replenishment (rainfall, runoff, percolation, imported sources, etc.) and outflows (extraction, evaporation, migration, etc.).) Again, if after developing these types of hydrologic models, altering resource use can be accomplished without trigger overdraft and it would provide some over-riding public benefit, the District may wish to consider the option.

Any action in this regard at the present time would be premature. Presumably, the District would first be required to develop a program, rules and regulations, comply with the California Environmental Quality Act, and satisfy all affected water rights users in the area. Failure to address any one of these requirements will prevent the conjunctive use project from ever going forward.

C. THE PLAN IS MEANT TO COMPLIMENT AND WORK IN TANDEM WITH LOCAL ORDINANCES

As noted repeatedly above, the Plan is meant to compliment and work in tandem with the County export ordinance and any other local ordinances adopted by the County and cities within the County. It is vital to note that the County ordinances operate independently of AB 3030 and thus do not have to meet the preconditions listed is Water Code section 10753.8 and 10753.9. In

other words, the County export ordinance will operate on its own terms independent of the Plan, as will other local ordinances adopted outside the context of AB 3030.

For example, persons who intend to export groundwater within the meaning of the County's ordinance will remain subject to all the preconditions and limitations set forth in that ordinance. Nothing in AB 3030 or the Plan will limit or condition the requirements of the export ordinance. In other words, Water Code sections 10753.8 and 10753.9 do not apply to the County ordinance.

In addition as discussed below, the Plan contemplates the imposition of other independent permit requirements for extraction and use of groundwater across subunit boundaries (a "transfer" within the meaning of the Plan). Once in place, these transfer permits will augment the County export ordinance, but will be subject to the limitations and preconditions set forth in AB 3030 and the Plan.

D. THE PLAN PERMITTING PROCESS IS INTENDED TO PROVIDE MAXIMUM PROTECTION FOR THE BASIN

Sections 545-547 of the Plan are intended to provide *maximum protection* for the basin water supplies. Accordingly, these provisions impose a permit requirement on any extraction from one subunit for use in another subunit. Further, all permits issued will be subject to immediate reduction or suspension. As discussed above, reductions or suspensions under AB 3030 must be implemented consistent with the requirements of Water Code sections 10753.8 and 10753.9. Thus, while the District does contemplate the potential that permits may be issued for use of water across subunits under the Plan, there will be a strict, quick and aggressive program to monitor basin conditions and impose permit restrictions. Overdraft conditions are not a goal and will be actively combatted.

In evaluating its management opportunities under AB 3030 as well as other alternatives, the District has acknowledged that current California law does not offer methods to prohibit new uses of surplus water, including export of groundwater out of the basin, without having to engage in problematic issues of enforcement. (*See Tulare Irrigation District v. Lindsay-Strathmore Irrigation District* (1935) 3 Cal.2d 489; *Peabody v. City of Vallejo* (1935) 2 Cal.2d 351.) However, the permitting criteria adopted by the County and the complimentary permitting process which will be implemented under AB 3030 will provide local users with the maximum protection allowed by law.

The District believes this protection will occur in several ways. First, as discussed above the Plan restrictions will be imposed in conjunction with and complimentary to all other local ordinances. Water uses will be monitored carefully and likely by several local agencies with enforcement authority.

Next, in circumstances where no permitting criteria are imposed, as long as surplus groundwater is available new appropriators may extract water from the basin. Once these appropriative uses are established (the water is diverted and put to a reasonable and beneficial use), the right may become perfected as a property right. However, in the absence of a permitting scheme which places an accepted and agreed upon limitation on the acquired right, the District or any other entity would likely have to utilize the courts to restrict or suspend an appropriative use when overdraft conditions exist. In contrast, the permitting criteria (under the Plan and under independent county and city ordinances) imposes conditions on the exercise of such an appropriative right before it becomes perfected. In effect, the appropriative right can only be exercised subject to the terms of the permit and the restrictions may be enforced under the terms of the permit and the rules and regulations under the Plan. A similar precondition has been effectively enforced on appropriative rights acquired under the Water Code for decades.

Finally, as noted in section 546 of the Plan, the permitting restrictions will be invoked and subject to reduction when there is evidence of overdraft of a subunit or substantial threat of overdraft of a subunit. Appropriative use is permissible only to the extent it exceeds the cumulative water requirements of all overlying landowners. (*Wright v. Goleta Water District* (1985) 174 Cal.App.3d 74.) If actual overdraft conditions actually occur, this will ensure that permitted appropriators never satisfy the preconditions necessary to establish a prescriptive right (i.e., the restrictions and reductions will be imposed well before the five year prescriptive period has run).

For More Information

1. Slater, California Water Law and Policy, (1995) (Butterworth Legal Publishers).
2. Governor's Commission, Groundwater Rights in California, (1977) (Staff paper No. 2)
3. Neese, Certainty in Groundwater Rights: Is Prescription Still Available?, California Real Property Journal, Volume 12 (1995)

CALIFORNIA WATER CODE

PART 2.75
Groundwater Management

[Added Stats 1992 ch 947 §2 (AB 3030). Former Part 2.75, entitled "Groundwater Resources," consisting of §§10750-10767, was added Stats 1991 ch 903 §1 (AB 255) and repealed Stats 1992 ch 947 §1 (AB 3030).]

Note--
Stats 1992 ch 947 provides:

SEC. 3. The Department of Water Resources shall, on or before January 1, 1998, prepare and publish, in a bulletin of the department published pursuant to Section 130 of the Water Code, a report on the status of groundwater management plans adopted and implemented pursuant to Part 2.75 (commencing with Section 10750) of Division 6 of the Water Code.

NOTES OF DECISION

State statutes relating to water use, taken collectively, do not occupy the field of groundwater regulation, and thus did not invalidate a county ordinance regulating the pumping practices and uses of groundwater. The test of occupation is whether the nature and extent of the coverage of a field is such that it could be said to display a patterned approach to the subject. No such pattern exists. No implication can be drawn that the Legislature intended to impair the constitutional exercise of the police power over groundwater because it has granted limited authority over groundwater to local agencies that draw their power solely from state legislation, and no pattern of regulation can be seen in the restrictions of Wat. Code, §1220, on the export of water from the Sacramento Basin. The converse implication is more naturally made. There is a common thread in these statutes suggesting that problems of groundwater management should be addressed on the local level. Baldwin v County of Tehama (1994, 3rd Dist) 31 Cal App 4th 166, 36 Cal Rptr 2d 886.

CHAPTER 1
General Provisions

§ 10750. Legislative findings and declarations

The Legislature finds and declares that groundwater is a valuable natural resource in California, and should be managed to ensure both its safe production and its quality. It is the intent of the Legislature to encourage local agencies to work cooperatively to manage groundwater resources within their jurisdictions.

Added Stats 1992 ch 947 §2 (AB 3030).

Former Sections:

Former §10750, similar to present §10750.2, was added Stats 1991 ch 903 §1 (AB 255) and repealed Stats 1992 ch 947 §1 (AB 3030).

§ 10750.2. Application of part

(a) Subject to subdivision (b), this part applies to all groundwater basins in the state.

(b) This part does not apply to any portion of a groundwater basin that is subject to groundwater management by a local agency or a watermaster pursuant to other provisions of law or a court order, judgment, or decree, unless the local agency or watermaster agrees to the application of this part.

Added Stats 1992 ch 947 §2 (AB 3030).

Historical Derivations:

Former §§10750, 10765, as added Stats 1991 ch 903 §1 (AB 255).

§ 10750.4. Effect of part on local agency overlying groundwater basin

Nothing in this part requires a local agency overlying a groundwater basin to adopt or implement a groundwater management plan or groundwater management program pursuant to this part.

Added Stats 1992 ch 947 §2 (AB 3030).

§ 10750.6. Effect of part on authority of local agency or watermaster

Nothing in this part affects the authority of a local agency or a watermaster to manage groundwater pursuant to other provisions of law or a court order, judgment, or decree.

Added Stats 1992 ch 947 §2 (AB 3030).

§ 10750.7. Management of groundwater in service area of other entity; Basin not critically overdrafted

(a) A local agency may not manage groundwater pursuant to this part within the service area of another local agency, a water corporation regulated by the Public Utilities Commission, or a mutual water company without the agreement of that other entity.

(b) This section applies only to groundwater basins that are not critically overdrafted.

Added Stats 1992 ch 947 §2 (AB 3030).

Historical Derivations:

Former §10762, as added Stats 1991 ch 903 §1.

§ 10750.8. Management of groundwater in service area of another local agency; Basin critically overdrafted

(a) A local agency may not manage groundwater pursuant to this part within the service area of another local agency without the agreement of that other entity.

(b) This section applies only to groundwater basins that are critically overdrafted.

Added Stats 1992 ch 947 §2 (AB 3030).

Historical Derivations:

Former §10762, as added Stats 1991 ch 903 §1.

§ 10750.9. Adoption of ordinance or resolution; Amendment of groundwater management program

(a) A local agency that commences procedures, prior to January 1, 1993, to adopt an ordinance or resolution to establish a program for the management of groundwater pursuant to Part 2.75 (commencing with Section 10750), as added by Chapter 903 of the Statutes of 1991, may proceed to adopt the ordinance or resolution pursuant to Part 2.75, and the completion of those procedures is deemed to meet the requirements of this part.

(b) A local agency that has adopted an ordinance or resolution pursuant to Part 2.75 (commencing with Section 10750), as added by Chapter 903 of the Statutes of 1991, may amend its groundwater management program by ordinance or resolution of the governing body of the local agency to include any of the plan components set forth in Section 10753.7.

Added Stats 1992 ch 947 §2 (AB 3030).

Amended Stats 1993 ch 320 §1 (AB 1152).

Amendments:

1993 Amendment: (1) Designated the former section to be subd (a); (2) deleted "that" before "Part 2.75," the second time it appears in subd (a); and (3) added subd (b).

§ 10750.10. Cumulative nature of part

This part is in addition to, and not a limitation on, the authority granted to a local agency pursuant to other provisions of law.

Added Stats 1992 ch 947 §2 (AB 3030).

Historical Derivations:

Former §10766, as added Stats 1991 ch 903 §1.

§ 10751. [Section repealed 1992.]

Added Stats 1991 ch 903 §1 (AB 255).

Repealed Stats 1992 ch 947 §1 (AB 3030). See §10752.

CHAPTER 2
Definitions

§ 10752. Definitions governing construction of part

Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Groundwater" means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water which flows in known and definite channels.

(b) "Groundwater basin" means any basin identified in the department's Bulletin No. 118, dated September 1975, and any amendments to that bulletin, but does not include a basin in which the average well yield is less than 100 gallons per minute.

(c) "Groundwater extraction facility" means any device or method for the extraction of groundwater within a groundwater basin.

(d) "Groundwater management plan" or "plan" means a document that describes the activities intended to be included in a groundwater management program.

(e) "Groundwater management program" or "program" means a coordinated and ongoing activity undertaken for the benefit of a groundwater basin, or a portion of a groundwater basin, pursuant to a groundwater management plan adopted pursuant to this part.

(f) "Groundwater recharge" means the augmentation of groundwater, by natural or artificial means, with surface water or recycled water.

(g) "Local agency" means any local public agency that provides water service to all or a portion of its service area, and includes a joint powers authority formed by local public agencies that provide water service.

(h) "Recharge area" means the area that supplies water to an aquifer in a groundwater basin and includes multiple wellhead protection areas.

(i) "Watermaster" means a watermaster appointed by a court or pursuant to other provisions of law.

(j) "Wellhead protection area" means the surface and subsurface area surrounding a water well or well field that supplies a public water system through which contaminants are reasonably likely to migrate toward the water well or well field.

Added Stats 1992 ch 947 §2 (AB 3030).

Amended Stats 1993 ch 320 §2 (AB 1152).

Former Sections:

Former §10752, similar to present §10753, was added Stats 1991 ch 903 §1 (AB 255) and repealed Stats 1992 ch 947 §1 (AB 3030).

Amendments:

1993 Amendment: Added **(1)** ", and includes a joint powers authority formed by local public agencies that provided water service" in subd (g); and **(2)** subds (h)-(j).

Historical Derivations:

Former §10751, as added Stats 1991 ch 903 §1.

CHAPTER 3
Groundwater Management Plans

§ 10753. Authorization to adopt and implement plan

(a) Any local agency, whose service area includes a groundwater basin, or a portion of a groundwater basin, that is not subject to groundwater management pursuant to other provisions of law or a court order, judgment, or decree, may, by ordinance, or by resolution if the local agency is not authorized to act by ordinance, adopt and implement a groundwater management plan pursuant to this part within all or a portion of its service area.

(b) Notwithstanding subdivision (a), a local public agency, other than an agency defined in subdivision (g) of Section 10752, that provides flood control, groundwater management, or groundwater replenishment, or a local agency formed pursuant to this code for the principal purpose of providing water service that has not yet provided that service, may exercise the authority of this part within a groundwater basin that is located within its boundaries within areas that are either of the following:

(1) Not served by a local agency.

(2) Served by a local agency whose governing body, by a majority vote, declines to exercise the authority of this part and enters into an agreement with the local public agency pursuant to Section 10750.7 or 10750.8.

Added Stats 1992 ch 947 §2 (AB 3030).

Amended Stats 1993 ch 320 §3 (AB 1152).

Former Sections:

Former §10753, similar to present §10753.2, was added Stats 1991 ch 903 §1 (AB 255) and repealed Stats 1992 ch 947 §1 (AB 3030).

Amendments:

1993 Amendment: (1) Amended the introductory clause of subd (b) by **(a)** adding "that provides flood control, groundwater management, or groundwater replenishment, or a local agency formed pursuant to this code for the principal purpose of providing water service that has not yet provided that service,"; and **(b)** substituting "that is located within its boundaries within areas that are either" for "if both" near

the end of the clause; and **(2)** substituted subds (b)(1) and (b)(2) for former subds (b)(1) and (b)(2) which read: "(1) Water service is not provided by a local agency.

"(2) The local public agency provides flood control, groundwater quality management, or groundwater replenishment."

Historical Derivations:

Former §10752, as added Stats 1991 ch 903 §1.

§ 10753.2. Hearing on adoption of resolution of intention

(a) Prior to adopting a resolution of intention to draft a groundwater management plan, a local agency shall hold a hearing, after publication of notice pursuant to Section 6066 of the Government Code, on whether or not to adopt a resolution of intention to draft a groundwater management plan pursuant to this part for the purposes of implementing the plan and establishing a groundwater management program.

(b) At the conclusion of the hearing, the local agency may draft a resolution of intention to adopt a groundwater management plan pursuant to this part for the purposes of implementing the plan and establishing a groundwater management program.

Added Stats 1992 ch 947 §2 (AB 3030).

Historical Derivations:

Former §10753, as added Stats 1991 ch 903 §1.

§ 10753.3. Publication of resolution of intention; Copy

(a) After the conclusion of the hearing, and if the local agency adopts a resolution of intention, the local agency shall publish the resolution of intention in the same manner that notice for the hearing held under Section 10753.2 was published.

(b) Upon written request, the local agency shall provide any interested person with a copy of the resolution of intention.

Added Stats 1992 ch 947 §2 (AB 3030).

Historical Derivations:

Former §10754, as added Stats 1991 ch 903 §1.

§ 10753.4. Preparation and adoption of plan

The local agency shall prepare a groundwater management plan within two years of the date of the adoption of the resolution of intention. If the plan is not adopted within two years, the resolution of intention expires, and no plan may be adopted except pursuant to a new resolution of intention adopted in accordance with this chapter.

Added Stats 1992 ch 947 §2 (AB 3030).

§ 10753.5. Hearing on adoption of plan

(a) After a groundwater management plan is prepared, the local agency shall hold a second hearing to determine whether to adopt the plan. Notice of the hearing shall be given pursuant to Section 6066 of the Government Code. The notice shall include a summary of the plan and shall state that copies of the plan may be obtained for the cost of reproduction at the office of the local agency.

(b) At the second hearing, the local agency shall consider protests to the adoption of the plan. At any time prior to the conclusion of the second hearing, any landowner within the local agency may file a written protest or withdraw a protest previously filed.

Added Stats 1992 ch 947 §2 (AB 3030).

Historical Derivations:

Former §10755, as added Stats 1991 ch 903 §1.

§ 10753.6. Protest by landowner

(a) A written protest filed by a landowner shall include the landowner's signature and a description of the land owned sufficient to identify the land. A public agency owning land is deemed to be a landowner for the purpose of making a written protest.

(b) The secretary of the local agency shall compare the names and property descriptions on the protest against the property ownership records of the county assessors.

(c)(1) A majority protest shall be determined to exist if the governing board of the local agency finds that the protests filed and not withdrawn prior to the conclusion of the second hearing represent more than 50 percent of the assessed value of the land within the local agency subject to groundwater management pursuant to this part.

(2) If the local agency determines that a majority protest exists, the groundwater plan may not be adopted and the local agency shall not consider adopting a plan for the area proposed to be included within the program for a period of one year after the date of the second hearing.

(3) If a majority protest has not been filed, the local agency, within 35 days after the conclusion of the second hearing, may adopt the groundwater management plan.

Added Stats 1992 ch 947 §2 (AB 3030).

Historical Derivations:

Former §§10756, 10757, as added Stats 1991 ch 903 §1.

§ 10753.7. Components of plan

A groundwater management plan may include components relating to all of the following:

(a) The control of saline water intrusion.

(b) Identification and management of wellhead protection areas and recharge areas.

(c) Regulation of the migration of contaminated groundwater.

(d) The administration of a well abandonment and well destruction program.

(e) Mitigation of conditions of overdraft.

(f) Replenishment of groundwater extracted by water producers.

(g) Monitoring of groundwater levels and storage.

(h) Facilitating conjunctive use operations.

(i) Identification of well construction policies.

(j) The construction and operation by the local agency of groundwater contamination cleanup, recharge, storage, conservation, water recycling, and extraction projects.

(k) The development of relationships with state and federal regulatory agencies.

(l) The review of land use plans and coordination with land use planning agencies to assess activities which create a reasonable risk of groundwater contamination.

Added Stats 1992 ch 947 §2 (AB 3030).

§ 10753.8. Adoption of rules and regulations

(a) A local agency shall adopt rules and regulations to implement and enforce a groundwater management plan adopted pursuant to this part.

(b) Nothing in this part shall be construed as authorizing the local agency to make a binding determination of the water rights of any person or entity.

(c) Nothing in this part shall be construed as authorizing the local agency to limit or suspend extractions unless the local agency has determined through study and investigation that groundwater replenishment programs or other alternative sources of water supply have proved insufficient or infeasible to lessen the demand for groundwater.

Added Stats 1992 ch 947 §2 (AB 3030).

§ 10753.9. Consideration of impact of rules and regulations on business activities

In adopting rules and regulations pursuant to Section 10753.8, the local agency shall consider the potential impact of those rules and regulations on business activities, including agricultural operations, and to the extent practicable and consistent with the protection of the groundwater resources, minimize any adverse impacts on those business activities.

Added Stats 1992 ch 947 §2 (AB 3030).

CHAPTER 4
Finances

§ 10754. Authority as water replenishment district to fix and collect fees and assessments
For purposes of groundwater management, a local agency that adopts a groundwater management plan pursuant to this part has the authority of a water replenishment district pursuant to Part 4 (commencing with Section 60220) of Division 18 and may fix and collect fees and assessments for groundwater management in accordance with Part 6 (commencing with Section 60300) of Division 18.

Added Stats 1992 ch 947 §2 (AB 3030).

Former Sections:
Former §10754, similar to present §10753.3, was added Stats 1991 ch 903 §1 (AB 255) and repealed Stats 1992 ch 947 §1 (AB 3030).

Historical Derivations:
Former §10760, as added Stats 1991 ch 903 §1.

§ 10754.2. Fees and assessments based on amount of groundwater extracted
(a) Subject to Section 10754.3, except as specified in subdivision (b), a local agency that adopts a groundwater management plan pursuant to this part, may impose equitable annual fees and assessments for groundwater management based on the amount of groundwater extracted from the groundwater basin within the area included in the groundwater management plan to pay for costs incurred by the local agency for groundwater management, including, but not limited to, the costs associated with the acquisition of replenishment water, administrative and operating costs, and costs of construction of capital facilities necessary to implement the groundwater management plan.
(b) The local agency may not impose fees or assessments on the extraction and replacement of groundwater pursuant to a groundwater remediation program required by other provisions of law or a groundwater storage contract with the local agency.

Added Stats 1992 ch 947 §2 (AB 3030).

Amended Stats 1993 ch 320 §4 (AB 1152).

Amendments:
1993 Amendment: Added "or a groundwater storage contract with the local agency" at the end of subd (b).

Historical Derivations:
Former §10759, as added Stats 1991 ch 903 §1.

§ 10754.3. Election granting authorization

Before a local agency may levy a water management assessment pursuant to Section 10754.2 or otherwise fix and collect fees for the replenishment or extraction of groundwater pursuant to this part, the local agency shall hold an election on the proposition of whether or not the local agency shall be authorized to levy a groundwater management assessment or fix and collect fees for the replenishment or extraction of groundwater. The local agency shall be so authorized if a majority of the votes cast at the election is in favor of the proposition. The election shall be conducted in the manner prescribed by the laws applicable to the local agency or, if there are no laws so applicable, then as prescribed by laws relating to local elections. The election shall be conducted only within the portion of the jurisdiction of the local agency subject to groundwater management pursuant to this part.

Added Stats 1992 ch 947 §2 (AB 3030).

Historical Derivations:

Former §10761, as added Stats 1991 ch 903 §1.

CHAPTER 5
Miscellaneous

§ 10755. Annexation of land subject to plan

(a) If a local agency annexes land subject to a groundwater management plan adopted pursuant to this part, the local agency annexing the land shall comply with the groundwater management plan for the annexed property.

(b) If a local agency subject to a groundwater management plan adopted pursuant to this part annexes land not subject to a groundwater management plan adopted pursuant to this part at the time of annexation, the annexed territory shall be subject to the groundwater management plan of the local agency annexing the land.

Added Stats 1992 ch 947 §2 (AB 3030).

Former Sections:

Former §10755, similar to present §10753.5, was added Stats 1991 ch 903 §1 (AB 255) and repealed Stats 1992 ch 947 §1 (AB 3030).

Historical Derivations:

Former §10764, as added Stats 1991 ch 903 §1.

§ 10755.2. Coordinated plan; Joint powers agreement; Agreement with public or private entities

(a) It is the intent of the Legislature to encourage local agencies, within the same groundwater basin, that are authorized to adopt groundwater management plans pursuant to this part, to adopt and implement a coordinated groundwater management plan.

(b) For the purpose of adopting and implementing a coordinated groundwater management program pursuant to this part, a local agency may enter into a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code with public agencies, or a memorandum of understanding with public or private entities providing water service.
(c) A local agency may enter into agreements with public entities or private parties for the purpose of implementing a coordinated groundwater management plan.

Added Stats 1992 ch 947 §2 (AB 3030). Amended Stats 1993 ch 320 §5 (AB 1152).

Amendments:

1993 Amendment: Added "public entities or" in subd (a).

Historical Derivations:

Former §10758, as added Stats 1991 ch 903 §1.

§ 10755.3. Meetings to coordinate programs

Local agencies within the same groundwater basin that conduct groundwater programs within that basin pursuant to this part, and cities and counties that either manage groundwater pursuant to this part or have ordinances relating to groundwater within that basin, shall, at least annually, meet to coordinate those programs.

Added Stats 1992 ch 947 §2 (AB 3030). Amended Stats 1995 ch 833 §2 (SB 1305).

Historical Derivations:

Former §10763, as added Stats 1991 ch 903 §1.

§ 10755.4. Exception to application of requirements of plan

Except in those groundwater basins that are subject to critical conditions of groundwater overdraft, as identified in the department's Bulletin 118-80, revised on December 24, 1982, the requirements of a groundwater management plan that is implemented pursuant to this part do not apply to the extraction of groundwater by means of a groundwater extraction facility that is used to provide water for domestic purposes to a single-unit residence and, if applicable, any dwelling unit authorized to be constructed pursuant to Section 65852.1 or 65852.2 of the Government Code.

Added Stats 1992 ch 947 §2 (AB 3030).

§ 10756-10766. [Sections repealed 1992.]

Added Stats 1991 ch 903 §1 (AB 255). Repealed Stats 1992 ch 947 §1 (AB 3030). See §§10750.2, 10750.7, 10750.8, 10750.10, 10753.6, 10754, 10754.2, 10754.3, 10755, 10755.2, 10755.3.
§ 10767. [Section repealed 1992.]

Added Stats 1991 ch 903 §1 (AB 255). Repealed Stats 1992 ch 947 §1 (AB 3030). The repealed section related to effect of part on specified duties of local agencies.